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# Ashland City Council

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MINUTES FOR THE REGULAR SESSION OF COUNCIL  
Tuesday, December 15, 2009  
3<sup>rd</sup> floor Council Chambers  
7:00 p.m.

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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 L. Stuart	Present
Ward 1:	Robert L. Valentine	Present
Ward 2:	Robert M. Valentine	Present

**PLEDGE OF ALLEGIANCE**

PRESENTATION OF MINUTES

*Regular Session/Executive Session 12/1/09*  
*Special Session/Executive Session 12/8/09*

No Corrections.

*Motion to accept the minutes of Regular Session/Executive Session 12/1/09 by Robert L. Valentine, seconded by Ruth Detrow.*

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

*Motion to accept the minutes of Special Session/Executive Session 12/8/09 by Stephen Stuart, seconded by Robert L. Valentine W1.*

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

**LEGISLATION**

Ordinances

**Ord. No. 84-09**

Item (d) AN ORDINANCE PROVIDING FOR THE 2010 TEMPORARY APPROPRIATIONS FOR THE CITY OF ASHLAND, OHIO TO MEET THE ORDINARY OPERATING EXPENSES OF SAID CITY, PURSUANT TO THE AUTHORITY OF THE OHIO REVISED CODE SECTION 5705.38; AND DECLARING AN EMERGENCY.

*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, Stephen Stuart, Robert L. Valentine W1, Robert M. Valentine W2.*

**Larry Paxton:** This Ordinance will allow the city to operate for a period of time needed to 2010; so that it will allow us to create the 2010 full appropriations.

Questions or discussion?

*Move the Ordinance be passed on the first Reading by Robert L. Valentine W1, seconded by Stephen Stuart  
Ayes: Ruth Detrow, Paul Wertz, Stephen Stuart, Robert L. Valentine W1, Robert M. Valentine W2.*

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

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

Motion carried.

**Ord. No. 85-09**

Item (e) AN ORDINANCE AUTHROIZING AND DIRECTING THE MAYOR TO ENTER INTO A CONTRACT FOR THE PURCHASE OF EQUIPMENT FOR THE DIVISION OF FIRE OF THE CITY OFASHLAND, OHIO; OBVIATING FORMAL ADVERTISING AND BIDDING; AND DECLARING AN EMERGENCY.  
(1) model 4x4 pickup truck.

*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, Stephen Stuart, Robert L. Valentine W1, Robert M. Valentine W2.*

**Mark Burgess, Fire Chief:** This is part of our vehicle replacement program. We would like to replace a 1995 Jimmy that needs expensive work to keep it serviceable. We have opted to go with a pick-up truck versus an SUV because of its usefulness and it is cheaper. We want to try to work with the local car dealerships. Because of House Bill 204, we can do that instead of going with the state bids so that we can keep the money local.

**Stephen Stuart:** There was a typo on the Ordinance. Under the description of the 2010 current production model and conforming with specifications on file, not on fire.

**Mark Burgess:** Mine says file.

**Robert M. Valentine W2:** Mine says fire.

Questions or discussion?

**Robert L. Valentine W1:** Where is the money coming from?

**Mark Burgess:** The 222 account. It is from the contract money that we get from three townships. Finance office; when we started this back in 1994, with replacement program, and have worked out a system of making the payments on the principal and interest and still be able to keep replacing the vehicles on a routine basis; and that money is there, available for this purchase.

**Robert L. Valentine W1:** When you talk about principal and interest, can't you just pay it off?

**Mark Burgess:** This one we will pay cash for, yes. The bigger vehicles, we have to take notes out for and pay that back.

**Mayor Stewart:** I would like to comment. This is an action that was reviewed by the Fire Committee; I believe Steve Stuart and Ruth Detrow met with the Chief. That is one of the purposes of having committees and the Chief has gone over this; so I believe that you are certainly supportive of it at this point; am I correct?

**Ruth Detrow:** Yes.

Questions or discussion?

*Move the Ordinance be passed on the first Reading by Ruth Detrow, seconded by Stephen Stuart*

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

Motion carried.

**Ord. No. 86-09**

Item (f) AN ORDINANCE ESTABLISHING WAGES AND OTHER COMPENSATIONS FOR ADMINISTRATIVE EMPLOYEES, EXEMPTED FROM THE FAIR LABOR STANDARDS ACT, OF THE CITY OF ASHLAND, OHIO; AND DECLARING AN EMERGENCY.

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

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

**Cherie Helterbride Bailey:** These are standard wage ordinances for the Administrative people who are Directors and all of those who are Administrative. It is standard procedure.

**Robert L. Valentine W1:** Is it the same range as last year or did it change.

**Cherie Bailey:** We look at what it would be if it went up 3%; I think there were two of them that did not quite; wouldn't accommodate a 3% increase, but certainly the wording in this indicates that there is no increase in wage. In the back of it, it says there is, you know, at the same rate as 2009. So the ranges may have changed slightly, but the wording says no increases.

Questions or discussion?

*Move the Ordinance be passed on the first Reading by Ruth Detrow, seconded by Stephen Stuart*

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

Motion carried.

**Ord. No. 87-09**

Item (g) AN ORDINANCE ESTABLISHING LIMITS FOR WAGES AND DETERMINING OTHER PROVISIONS RELATIVE TO POSITIONS OF EMPLOYMENT OF CLASSIFIED SUPERVISORY PERSONNEL FOR AREAS NOT INCLUDED IN ANOTHER WAGE OR SALARY ORDINANCE IN THE CITY OF ASHLAND, OHIO; AND DECLARING AN EMERGENCY.

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

**Cherie Bailey:** These are Classified Supervisory Personnel, who would actually have right to Civil Service that is part of being classified. These are Supervisors of various divisions. There again, there is no pay increase. Very little, if any wording is changed.

*Move the Ordinance be passed on the first Reading by Robert M. Valentine W2, seconded by Ruth Detrow.*

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

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

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

*Move the Ordinance be passed by Paul Wertz, seconded by Ruth Detrow.*

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

Motion carried.

**Ord. No. 88-09**

Item (h) AN ORDINANCE ESTABLISHING LIMITS FOR WAGES AND DETERMINING OTHER PROVISIONS RELATIVE TO POSITIONS OF EMPLOYMENT OF ALL OTHER PERSONNEL FOR AREAS NOT INCLUDED IN ANOTHER WAGE OR SALARY ORDINANCE IN THE CITY OF ASHLAND, OHIO; AND DECLARING AN EMERGENCY.

*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, Stephen Stuart, Robert L. Valentine W1, Robert M. Valentine W2.*

**Cherie Bailey:** This is all other personnel. People, who work in the summertime, some of those summer intermittent people like Tennis Court aids, seasonal people, swimming pool manager. This would also be the probationary Fire fighters if you have any one on probation but here again, there is no wage increase in this Ordinance.

Questions or discussion?

*Move the Ordinance be passed on the first Reading by Robert L. Valentine W1, seconded by Robert M. Valentine W2.*

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

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

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

Motion carried

**Ord. No. 89-09**

Item (i) AN ORDINANCE ESTABLISHING LIMITS FOR WAGES AND DETERMINING OTHER PROVISIONS RELATIVE TO POSITIONS OF EMPLOYMENT OF UNCLASSIFIED ADMINISTRATIVE SUPPORT STAFF TO DIVISION DIRECTORS AND ELECTED OFFICIALS IN THE CITY OF ASHLAND, OHIO; AND DECLARING AN EMERGENCY.

*Moved 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 Ordinance has satisfied the requirements of said Section and that a further reading be dispensed with at this time.*

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

**Cherie Bailey:** This Ordinance is for the Secretaries to the Division Directors and Elected Officials and it includes some Supervisory people who are unclassified supervisory people and again, the very same wording was changed. One of things that will be changed is that all paychecks will be direct deposit, so that is one of the changes under this section. That is one of the moves that we have made to be more cost effective in our business. But there is no increase in wages.

Questions or discussion?

*Move the Ordinance be passed on the first Reading by Ruth Detrow, seconded by Stephen Stuart*

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

Motion carried.

**PUBLIC HEARING:** 7:10 p.m.- Request for establishment of Zoning- (Buechele) Milton Twp., to be zoned "R-L" Residential District (single family dwelling).

**Paul Wertz:** Is there anyone who is for or against it?

**Delbert Buechele:** We have had three addresses since we have moved into the house. The correct address is 1084 South Baney Road. When we moved into the house, the previous owners, they had a tenant living there while they traveled the country. So I presume at that time, it was established as a multi-family dwelling. Being he walled off half of the house and the tenant had one half and they had the other half. So to say it is not a single family, it is a single family now. I wasn't aware that it was a multi-family unit, so to speak when we bought the house.

**Paul Wertz:** Anyone else? None. Okay so we will close this hearing.

HEARING CLOSED:

**PUBLIC HEARING** - 7:13 p.m. – Request for establishment of Zoning- (Stephen & Sheryl Cellar) Montgomery Twp., to be zoned "R-A" Residential District (multiple family dwelling).

**Paul Wertz:** Is there anyone who is for or against it? None. Okay so we will close this hearing

HEARING CLOSED:

**PUBLIC HEARING** – 7:16 p.m. – Request for proposed re-zoning- (Martin House) Montgomery Twp., to be rezoned from “R-A” Residential District to “R-S” Residential District (all uses permitted).

**Paul Wertz:** Is there anyone who is for or against it?

**Citizen:** What does it mean, R-A?

**Mike Kelly:** Let me just speak on behalf of it, because I can answer that question. On behalf of the Martin House Apartments, the current zoning right now is R-A, which allows for multi-level facilities. But the owner of the building wants to be able to provide assisted living. Under the current zoning regulations, R-A multiple level dwelling and a senior facility doesn’t allow for assisted living capabilities. So what he is seeking is the R-S zoning which would allow that. So that is really what the whole purpose is.

**Paul Wertz:** Anyone else?

**Ernest Howell:** I have lived at this residence for 49 years and I don’t know if they are going to tear the house down or what they are going to do.

**Paul Wertz:** My understanding is they are going to make it for assisted living, right?

**Mike Kelly:** Right. There are not going to be any changes of the facility. Just the first floor, some of the units are going to be converted from senior apartments to assisted living.

**Mayor Stewart:** All the changes will be within the walls of the current building?

**Mike Kelly:** Yes. Absolutely.

**Ernest Howell:** I just wanted to make sure.

**Paul Wertz:** Anyone else? Okay, we are closing the Public Hearing.

HEARING CLOSED:

**LEGISLATION: cont’d**

Ordinances:

**Ord. No. 90-09**

Item (a) AN ORDINANCE ESTABLISHING THE APPROPRIATE ZONING DISTRICT OF A CERTAIN AREA OF THE CITY OF ASHLAND, OHIO (Buechele)

*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, Stephen Stuart, Robert L. Valentine W1, Robert M. Valentine W2.*

**Richard P. Wolfe II:** I think you should note that with the first two; those are areas that have been annexed into the city and this is establishing zoning for a newly annexed area. In the third instance, it is a third area that is already in the city and it is a change of zoning.

Questions or discussion?

None.

*Move the Ordinance be passed on the first Reading 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.*

*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, Stephen Stuart, Robert L. Valentine W1, Robert M. Valentine W2.*

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

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

Motion carried.

**Ord. No. 91-09**

Item (b) AN ORDINANCE ESTABLISHING THE APPROPRIATE ZONING DISTRICT OF A CERTAIN AREA OF THE CITY OF ASHLAND, OHIO (Cellar)

*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, Stephen Stuart, Robert L. Valentine W1, Robert M. Valentine W2.*

Questions or discussion?

None

*Move the Ordinance be passed on the first Reading by Stephen Stuart, seconded by Robert L. Valentine W1*

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

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

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

Motion carried.

**Ord. No. 92-09**

Item (c) AN ORDINANCE REZONING A CERTAIN AREA OF THE CITY OF ASHLAND, OHIO FROM "R-A" RESIDENTIAL DISTRICT TO "R-S" RESIDENTIAL DISTRICT. (Martin House)

*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, Stephen Stuart, Robert L. Valentine W1, Robert M. Valentine W2.*

*Move the Ordinance be passed on the first Reading by Paul Wertz, seconded by Stephen Stuart.*

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

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

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

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

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

Motion carried.

**Ord. No. 93-09**

Item (j) AN ORDINANCE AUTHORIZING THE PERMANENT TRANSFER OF 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 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, Stephen Stuart, Robert L. Valentine W1, Robert M. Valentine W2*

**Larry Paxton:** This is an Ordinance asking for a permanent transfer of Capital Improvements money to the Brookside Nature Preserve. That \$4200.00 dollars is closing costs on the nature preserve that was not anticipated. The other is a permanent transfer to the 301 Bond retirement fund that the end of 2008, the last day of 2008, you folks were able to advance payment from the 405 to the 301 to bring that fund into the positive. What this is doing is asking that that advance become a permanent transfer instead of having to pay it out of the year-end advance back.

Questions or discussion?

*Move the Ordinance be passed on the first Reading by Ruth Detrow, seconded by Robert L. Valentine W1.*

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

Motion carried.

**Ord. No. 94-09**

Item (k) 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.

*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, Stephen Stuart, Robert L. Valentine W1, Robert M. Valentine W2*

**Larry Paxton:** This Ordinance is in an effort to balance the year-end books. The first part of the Ordinance deals with \$263,000 dollars of additional appropriations. These funds received more money than what we had appropriated or what we had estimated that they would receive. We are using these funds in an effort to balance either personal service or other service departments within those operating funds. The bottom part of the Ordinance is a transfer within the fund from one line item or one type of line item to another. The other service is to personal services. The underlined amounts on the right side on the bottom part of the Ordinance is where the money will be shifted. Each of the division directors that were affected by that transfer were informed of that before you received the Ordinance.

Questions or discussion?

*Move the Ordinance be passed on the first Reading by Robert L. Valentine W1, seconded by Stephen Stuart  
Ayes: Ruth Detrow, Paul Wertz, Stephen Stuart, Robert L. Valentine W1, Robert M. Valentine W2.*

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

Motion carried.

**Ord. No. 95-09**

Item (1) AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY BELONGING TO THE CITY OF ASHLAND, OHIO; AND DECLARING AN EMERGENCY. Brookside Golf Course land.

*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, Stephen Stuart, Robert L. Valentine W1, Robert M. Valentine W2*

**Mayor Stewart:** This is authorizing me to put up for sale approximately 67.5 acres that are on the west rear boundary of property on Fairview Drive. They are east of Baney but this property does not go through to Baney. This is property that we bought many years ago in the anticipation of another nine holes; I guess we want to call them the Executive nine-hole course for the Golf Course. That never materialized. We do not see that as being something that will happen in the foreseeable future. The selling of the land seems to be appropriate at this point in time. Along with the sale, we are going to offer the property owners that back up to this land on Fairview, a buffer strip of 75 feet so that if that becomes a development of some sort, to their west, they will have the opportunity to increase the depth of their lots by 75 feet from their current rear line 75 feet west. There is a qualifier for that. The total number of property or lots that abut the 67 acres amounts to 2.15 acres. We are not going to make a saw-tooth pattern back there. This will be a sale at \$800.00 dollars per property owner plus the surveying cost if all of the property owners agree to the sale or if somehow those people who live there choose to make an agreement to buy all of those lot widths by 75 feet deep. We do not want to end up with three lots for instance, buying 75 feet and then one lot not and then another three. We are not going to do that. It will be a straight line and the property owners themselves have the opportunity to work with their neighbors and we will set a price of \$800.00 dollars per parcel plus the pro-rated cost of surveying and drafting services which we are thinking is about \$150.00 dollars, 175.00 dollars something like that. So it will be less than \$1,000.00 dollars estimate. \$800.00 dollars plus those services and there are 16 parcels.

**Stephen Stuart:** Excuse me Glen. I think this is the way it reads. I think the group that are south of the access area is one group that would be treated collectively as a whole but if the property owners north of the access area did not want to buy that strip, that would not hold up the sale to that group south of the access row.

**Mayor Stewart:** That's the way it is written?

**Stephen Stuart:** Yes.

**Mayor Stewart:** Thank you for that clarification.

**Richard P. Wolfe II:** This was drafted at Mr. Stuarts request after the last Council meeting and I had discussed this aspect with him. The four lots that are north of the access, topographically, the property behind them is different. There is a watercourse back there. It may affect their decision as to whether they wish to do that. Also there is a home that is owned by a nonprofit entity and I don't know what the feasibility is for them to purchase an additional strip, so I asked Mr. Stuart if he agreed that the area north of the access drive and the area south of the access drive

would be treated as two separate strips being the necessity remaining that it be entire in either and he concurred with that so that is how it is presented to you.

**Stephen Stuart:** Further background, as we are all aware I think, there was a committee of citizens that looked at the long-term feasibility of Brookside Golf Course and one of the recommendations that they made to us, as Council was to sell this acreage to the benefit of the improvement of the Brookside Golf Course. Again, pretty much the impetus for Council taking this on.

**Richard P. Wolfe II:** We will actually need another Ordinance when it comes time to put the other part of the remaining parcel up for sale whether it is the entire 67 or whether it is approximately 65 and that will come. You had indicated that you, in your report at the last meeting I believe, you were looking at the first part of March. So there will be another Ordinance. It is like a two part.

**Stephen Stuart:** We have established the deadline as part of this Ordinance February 28, 2010, so we will know the outcome to be able then to draft an appropriate Ordinance for the sale of whatever remains.

**Ruth Detrow:** It looks as though the purchase of this buffer strip has to be by the property owner to buy the whole strip?

**Richard P. Wolfe II:** No, it couldn't stand alone. It has to attach to the existing parcel, which is why Mr. Kremser may want to address this. There is a new plat being prepared.

**Robert L. Valentine W1:** Rick, did you say there were five parcels?

**Richard P. Wolfe II:** Four. North, the access that go right up to the golf course and the watercourse comes down through there and the property drop off significantly. Topographically they are different than the south portion.

Questions or discussion?

*Move the Ordinance be passed on the first Reading by Stephen Stuart, seconded by Robert L. Valentine W1.  
Ayes: Ruth Detrow, Paul Wertz, Stephen Stuart, Robert L. Valentine W1, Robert M. Valentine W2.*

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

*Move the Ordinance be passed by Paul Wertz seconded by Ruth Detrow.  
Ayes: Ruth Detrow, Paul Wertz, Stephen Stuart, Robert L. Valentine W1, Robert M. Valentine W2.*

Motion carried.

**Ord. No. 96-09**

Item (m) AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN INCOME TAX REVENUE SHARING AGREEMENT WITH THE ASHLAND CITY SCHOOLS AND THE JOINT VOCATIONAL SCHOOL, AS REQUIRED BY OHIO REVISED CODE SECTION 5709.82; AND DECLARING AN EMERGENCY.

*Valarie Bishoff, Clerk of Council read the Ordinance in Full.*

**Paul Wertz:** Thank you Val.

**Mayor Stewart:** This agreement could have in retrospectively, in normal times; this agreement would have been a part of the original Real Estate Tax abatement agreement. It was not for various reasons. The State of Ohio dictates that if the city does not enter into an agreement with the Boards of Education within a six-month period of time that

there is a set flat rate that the Boards of Education can demand of the city relative to Income Tax. We sat down with the Boards of Education, proposed an agreement that I presented to the City Board last night and that agreement is basically; I want to share it with you. Basically, for the first five years of the fifteen-year abatement agreement, the City of Ashland will share one half of the payroll Income Tax from Barbasol after their payroll reaches a total of 2 million dollars per year. The second five years, year 6 through 11 and that is when the tax abatement drops in the favor of the school system from a 90% to a 75% abatement. Once we get into that area, we have agreed with the; no we haven't agreed; we are working on that right now. We have presented to the Schools that they will receive 25% of the payroll tax after it reaches 2 million dollars. Now I want to state that very clearly. They get nothing up to 2 million. At 2 million, they get half of the tax on that 2 million and further. But if it does not reach 2 million in either of those periods, they don't get any of the tax. After that, they share 50/50 from dollar one. The third five-year period, years 11 through 16, the abatement drops to 60% and so they get 40% of the real estate tax and we would not share any of the Income Tax with them at that point in time. I think Rick is checking me out here.

**Robert L. Valentine W1:** Mayor, when does this start?

**Mayor:** It would start next year.

**Richard P. Wolfe II:** It starts the first year of abatement, whenever the first year. The first year that the taxes are due on the improvements that have been made. We are a year behind on that so it would be at least a year down the road.

**Mayor Stewart:** I would share with you that, I have presented this to the City Board of Education last night; they have approved it, pending this body's approval of the agreement and the Ordinance. We have an appointment; not an appointment but we are on the agenda for the Career Center Thursday night to present it to them; presuming that this body approves what is being presented to you this evening. The agreement that you received in your package last Friday is identical to what you received today except a "draft" has been removed from it.

Questions or discussion?

*Move the Ordinance be passed on the first Reading by Stephen Stuart, seconded by Robert L. Valentine W1.  
Ayes: Ruth Detrow, Paul Wertz, Stephen 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 W2.  
Ayes: Ruth Detrow, Paul Wertz, Stephen Stuart, Robert L. Valentine W1, Robert M. Valentine W2.*

*Move the Ordinance be passed by Ruth Detrow seconded by Paul Wertz.  
Ayes: Ruth Detrow, Paul Wertz, Stephen Stuart, Robert L. Valentine W1, Robert M. Valentine W2.*

Motion carried.

Resolutions: None

#### WARD REPORTS:

At-Large: Stephen Stuart  
No Report

Ward 2: Robert M. Valentine  
(a) Did you get my message the other day?

**Shane Kremser:** Yes. We discussed that.

**Robert M. Valentine W2:** When the guy called me, he said there was somebody sitting on his steps and the Police were out there.

**Shane Kremser:** Yes we did discuss it.

**Robert M. Valentine W2:** Is the curb low?

**Shane Kremser:** No. I think what he wants, is to have a guardrail installed.

**Robert M. Valentine:** I think the problem before, he had a big tree, and then it became rotted and they took it out and they didn't put a small one back in.

**Shane Kremser:** I don't believe so. I think there is an existing tree in there a little past it and then there is a telephone pole. So realistically, there is not a whole lot we can do there with the right-of-way; given that there is no grade; the grade is not falling off. It is not really a large radius turn there.

**Robert M. Valentine W2:** He said it is usually three times a year he has got somebody sitting on his steps. He called me when the police were there. The guy was sitting on his step. I figured I might as well call you and tell you.

**Shane Kremser:** I am going to give him a call back and talk to him about maybe some things he can do on his property.

**Robert M. Valentine W2:** Like what? Put some boulders in?

**Shane Kremser:** The way it is, is that the homes, the set back is so close to the tree lawn. Maybe something with landscape on his property could help and I was going to talk to him about that.

**Robert M. Valentine W2:** Thank you. I appreciate that.

#### WARD REPORTS cont'd.

Ward 1 Robert L. Valentine

- (a) I got a call from a person on Fairview. He was interested in buying one and at that time I didn't know of the split you were talking about. With the north and south. I said it was all 16 at that time, that is all I knew. So I guess probably it would be a good idea to call him back and make sure he knows because I think he is in that north section. I will give him a call back and explain. He wanted to purchase one and wanted to know would it have to be all 16 or not and I said that is the way the Ordinance reads.

**Mayor Stewart:** He is in the group of four, Bob?

**Robert L. Valentine W1:** I am not sure. But I think he might be. But I think the suggestion was to, it might be a good idea to get together with your neighbors. I can't think of the name now but I think he has lived there about three or four years. He may be the last property. So I will call him back and tell him what you said of course.

Ward 3 Ruth Detrow  
No report

Ward 4 Paul Wertz  
No report.

OLD BUSINESS:

**Mayor Stewart:** I have some old business I would like to share. The property that we have been working on purchasing at the point of Liberty and East Main; we have handled that purchase. We are in the process now of engineering working through the proper process to improve that intersection. So the property is now ours and open for improvement.

**Paul Wertz:** That is where the telephone pole has to be moved? Or power pole?

**Mayor Stewart:** The Power pole. There is a lot of work to be done there. New traffic light system and so on.

NEW BUSINESS:

**Paul Wertz:** As you all know, this is my last official night as Councilman. I would just like to thank the people in the fourth ward that voted for me all these years and all the department heads that have helped me out. I appreciate and thank you for all of that. It has been an honor being on City Council. I hope you guys keep working together. I mean that is what it is all about. Teamwork. Thank you for putting up with me this many years.

**Mayor Stewart:** I have some comments to make this evening. I am going to embarrass the Councilman Wertz and ask him to come forward this evening. You know I was on Council when Paul first joined Council in 1985. We go back a long time. I have been out of town to Michigan and Paul stuck it out and I come back and he is still here.

Paul I have a Proclamation I would like to share with you and with those in attendance this evening:

**PROCLAMATION:**

*Whereas, It is the privilege of the Mayor of the City of Ashland, Glen Stewart, to give praise and special Recognition to Paul Wertz for all of his achievements for the City of Ashland, and*

*Whereas, Paul has faithfully served on City Council since January 7, 1986 for the City of Ashland; and*

*Whereas, his dedication to duty, hard work and resident's concern have greatly contributed to making this an outstanding community in which to live; and*

*Whereas, this day affords us an opportunity to honor Paul Wertz for his 24 years of service to our community; and*

*Now therefore, as the Mayor of the City of Ashland, I do hereby proclaim Tuesday, December 15, 2009 as Paul E. Wertz day, in the City of Ashland, and all residents of the City to remember and recognize this noble and valuable role Paul Wertz has played in our Community.*

*In Witness Whereof, I have hereto set my hand and cause  
The Seal of the City of Ashland, State of Ohio, to be affixed  
To this document the 15<sup>th</sup> day of December in the year of our  
Lord 2009, Glen P. Stewart.*

*Signed: \_\_\_\_\_  
Glen P. Stewart, Mayor*

**Paul Wertz:** Every time I would call Valarie, clerk and ask her to take care of things, and she would say yes Paul I will take of that for you; I want to thank you Valarie for taking care of things for me also.

**Ruth Detrow:** His fellow members of Council also wish to memorialize this last day on Council. We have a clock and it says on the clock: *Paul Wertz, for Faithful and Dedicated Service, 1986 through 2009, Ashland City Council.* And the four of us have signed this.

**Paul Wertz:** Thank you guys.

**Mayor Stewart:** Comments cont'd. We have a First Energy agreement, a document to agree to that is not up here this evening and it is not on the agenda. It is that \$230,000 dollar payment that First Energy has offered the communities. As of the last meeting, Ellie had determined that with the exception of two or three communities; so in excess of 60 communities out of 65 or 68, have accepted that payment and I just didn't get it on the agenda. We need to act on that so that we can move forward with that aggregation.

**Paul Wertz:** We need to before the end of the year, correct?

**Mayor Stewart:** Yes.

**Paul Wertz:** Do you want a Special Meeting, the 22<sup>nd</sup>?

**Larry Paxton:** May I also ask; that there will be some additional funds that will require some transfers so we will need that for that meeting as well.

**Paul Wertz:** So yours will need to be the 30<sup>th</sup> or 31<sup>st</sup>?

**Richard P. Wolfe II:** So you are going to need another meeting at least one more meeting before the end of the year.

**Mayor Stewart:** The key is that we must have a commitment that four Councilmen can be here. And I don't know how that is going to work out in that holiday season. Are all of you in town?

**Paul Wertz:** Is everybody in town on the 22<sup>nd</sup>?

**Robert M. Valentine and Robert L. Valentine:** No we have a commitment.

**Mayor Stewart:** How about the 29<sup>th</sup>?

**Paul Wertz:** Will you have yours ready by the 29<sup>th</sup>?

**Larry Paxton:** Yes.

**Paul Wertz:** Can everybody make it December 29, 2009 at 4:00 p.m. in Council Chambers? Okay a Special Meeting the 29<sup>th</sup> at 4:00 here.

**Mayor Stewart:** So we will give you an Agenda.

**Stephen Stuart:** Mayor, are we going to recognize Cherie?

**Mayor Stewart:** Yes we are. This has been a terrible day for the Mayor. No, it has been excellent, but I was gone all day. I would like to ask Cherie to come forward. Cherie has spent 15 years with the City of Ashland as our Director of HR. Cherie found a wonderful person in Pennsylvania and is married and she has found it a little bit unusual to be working in Ashland Ohio and try to live in Pennsylvania and her husband's work isn't as flexible as Cherie's is. Cherie will be really missed. We are prepared to backfill her position. She is going to stick with us for 3 months part time, full time, part time into the next year but I want to thank Cherie for all that she has done and she has taken us through several labor agreements. She has cleaned up a lot of our Ordinances relative to our personnel. I say cleaned up. She keeps them abreast of the time and in compliance with where we need to be with various laws, etc, etc., and it certainly has been a pleasure for me to work very closely with Cherie the last two years while I have been in office and she is one of those persons you call and she never tells you why she can't. Somehow she gets done what I ask her to do. Sometimes it is not convenient, I know that. But she still gets it done. Cherie, thank you and good luck.

**Robert L. Valentine W1:** I want to thank Valarie for what she set up tonight; that was very nice. Thank you.

**Mayor Stewart:** Nice job Valarie.

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

None.

*Motion to Adjourn Regular Session 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*

Meeting adjourned at 7:59 p.m.

Submitted by  
Valarie Bishoff  
Clerk of Council