
Ashland City Council

MINUTES FOR THE REGULAR SESSION OF COUNCIL Tuesday, June 15, 2010 7:00 p.m.

Stephen Stuart, Council President called the meeting to order at 7:00 p.m.

ROLL CALL

| | | |
|-----------|--------------------------|---------|
| At-large: | President Stephen Stuart | Present |
| Ward 1: | Robert L. Valentine | Excused |
| Ward 2: | Robert M. Valentine | Present |
| Ward 3: | Ruth Detrow | Present |
| Ward 4: | Sandra Tunnell | Present |

*Move to excuse Robert L. Valentine W1 by Ruth Detrow, seconded by Stephen Stuart.
Ayes: Stephen Stuart, Robert M. Valentine W2, Ruth Detrow, Sandra Tunnell*

PLEDGE OF ALLEGIANCE

PUBLIC HEARING – 7:01 p.m. – Tax Commission Budget

Larry Paxton: Thank you folks for allowing us to have this hearing this evening. We thought it appropriate to do it at this Council meeting so that you could have plenty of time to review the documents and also it is a requirement of this process that we hold this Public Hearing. This evening, the Tax Budget for 2011 we are proposing total receipts or estimated receipts for 2011 at \$44,272,740.00. That plus a cash carryover anticipated cash carryover of the different defined activities for the budget \$5,198,161.00. That will give us a spendable tax budget of \$49,470,901.00 that we can spend for the next calendar year. With all of the fund activities projected there, we did fall short about \$152,000.00 overall in the different funds. Please keep in mind that this tax budget is only the beginning of next year's appropriations. We were not actually doing anything more than setting millages and setting the rates for the tax structure for the property tax to be collected in 2011 for 2010's property tax bills. In doing that we are projecting that what this tax budget recommends is earlier in previous discussion on this, when proposed to change the income tax allocation, that the last page of the documents that I just gave you, I am proposing that we keep that income tax allocation the same as 2009. In other words 89.41% of the income tax collection minus the cost of operating the income tax department, will go to the General fund 7.87% would go to the Parks and Recreation department, pool and golf course and then the 2.72% would go to the Street department. The total or net income tax collection of \$7,140,000.00. The reason I propose that which is different than our earlier discussion is because this in our spending appropriations, this Council can pass an appropriation and legally transfer monies from one fund to another through the General fund. Where in times past we kind of got caught up in transferring from Capital Improvement funds and other things. If we keep the majority of the income tax collection going into the General fund, we then can transfer that money back out. If you change the Income Tax allocation and the General fund comes up short, you have no way to make that up other than making some difficult decisions in your appropriations. That is a change that I am recommending for the tax budget. The other issue is what we discussed about the millage altering or changing the millage in directing an additional 3 tenths (.3) from the General Bond Retirement fund to the General fund and that is based off of the \$60,000.00 carryover in the General Bond Retirement fund from 2009 and 2010 I am projecting the money to continue to be carried forward. So we would change the millage of the General Bond Retirement and lower that millage and put more of that into the General fund. That change in millage only represents about \$100,000.00 from going into the General Bond Retirement fund and instead allocating that to the General fund. It is not a large amount of money, but it is a change from where we were in 2010. Other than that, this budget is essentially flat. It has very little, if any income increases and it has some expense increases but they are minimal at this point. We are projecting a very tight year in 2011 and in doing that this tax budget does reflect that. When we get to the spending appropriations, hopefully later this year, that is where the decisions will be made on what each department will be allocated to spending.

Stephen Stuart: Questions Larry, what in 2010, what is our percentage of distribution of income tax collection to Parks and Recreation and Street?

Larry Paxton: The distribution in 2010 is the same as I am proposing in 2011. 7.87% for the Parks and 2.72% which was the official percentage in the Ordinance we received additional monies so that is why that percentage in 2011 did rise a little bit.

Stephen Stuart: Okay, no change.

Mayor Stewart: Larry, I would like to be very clear on our document when we talk about a projected carryover of all funds. The \$5, 198,000.00. That fund we all struggle with every budget year is the General fund and it has ½ a million dollars in it for projected carryover, am I correct?

Larry Paxton: That is correct.

Mayor Stewart: So there is not \$5 million of General fund dollars, which is the one that we really like to have between \$750,000.00 and 1 million to carryover and do business for the first two months of the year.

Larry Paxton: That is correct. The General fund, if this projection is right, the General fund has consumed about \$700,000.000 more than it took in, in 2010. In doing that we start the year that \$700,000.00 dollars with less cash.

Questions or comments?

Stephen Stuart: With no comments, we have concluded the Public Hearing.

[PUBLIC HEARING ENDED AT 7:10 p.m.](#)

Larry Paxton: We will have the Ordinance for your consideration at the next Council meeting and I have already forwarded it on to the Clerk. If you have comments later, please let me know.

PRESENTATION OF MINUTES

(a) Regular Session/ Work Session 6/1/10

No Corrections.

Moved to approve the minutes from Regular Session meeting of 6/1/10 by Sandra Tunnell, seconded by Robert M. Valentine W2.

Ayes: Stephen Stuart, Robert M. Valentine W2, Ruth Detrow, Sandra Tunnell

LEGISLATION

Ordinances:

Ord. No. 30-10

Item (a) AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR, DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACTS FOR THE 2010 CRACK SEALING OF VARIOUS STREETS IN THE CITY OF ASHLAND, OHIO, TOGETHER WITH ALL INCIDENTALS AND APPURTANCES NECESSARY THERETO; AND DECLARING AN EMERGENCY. (TABLED FROM 5/8/10)

Moved for non-reading in full by Ruth Detrow, seconded by Sandra Tunnell 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 M. Valentine W2, Ruth Detrow, Sandra Tunnell

Comments?

Shane Kremser, City Engineer: Jerry and I and the Mayor put together a list for potential locations for the crack sealing project for this year. These locations, I went out as well and looked at these and I feel are the best locations because the pavement is relatively in good condition. Just some lateral, longitudinal cracking and some curb and gutter sealing that needs to be done. The areas that we are looking at are: Claremont Avenue from Mifflin Avenue to College Avenue.

Stephen Stuart: Excuse me; do we have copies of that?

Shane Kremser: No.

Mayor Stewart: I will see that you have copies of that.

Shane Kremser: Claremont Avenue from Mifflin Avenue to College Avenue.
Cottage Street, from West Main to Westlake.
West Main Street, from Broad Street to Orange Street.
East Main from Orange to Twp Road 1575.
Center Street, from St Rt 42 to West Main.

So those are the areas that we are going to focus on. What we are looking at doing is purchasing material and then bidding out for the installation and maintenance of traffic. That way we can control our costs and we can specify the material that we would like to use. So we are still in the process of finalizing that. I went ahead and put together the estimate. I made some assumptions on the amounts. Basically you bid in pounds. ODOT specifications 432 details the installation and preparation very well. To prepare specifications, we are going to reference that and then have some oversight during installation.

Questions or comments?

Stephen Stuart: Cottage, West Main, East Main, Center Street, are all of those State highways?

Shane Kremser: Yes.

Stephen Stuart: If we are going to spend \$100,000.00 for sealing cracks, why do we establish those as our top priority?

Shane Kremser: That is something that I have been pushing for because we are contractually obliged to perform routine preventative maintenance of those.

Robert M. Valentine W2: By the Ohio Revised Code.

Shane Kremser: That is why we are focusing on that because we are supposed to be doing routine maintenance on those.

Ruth Detrow: That is considered routine then?

Shane Kremser: Yes. Crack sealing typically is.

Robert M. Valentine W2: Pothole patch is.

Shane Kremser: It is definitely something you need to do in our climate with the plowing and the way the pavement is, you have to seal it when you start to get the cracking so then you protect the sub-grade and the sub-base from water damage. We need to do it on a yearly basis in my opinion.

Stephen Stuart: I am not questioning the merits of the crack sealing.

Mayor Stewart: It is one of those mandates where you buy into it and you don't think a lot about it until it comes time you have to do something with it. There is some major highway work within the city that is considered maintenance.

Sandra Tunnell: Are these in order of importance Shane? Like if you were to have something that you run into?

Shane Kremser: No. You don't want to crack seal roads that are severely deteriorated.

Sandra Tunnell: No what I meant, was we discussed before that we have a certain amount of money and we are not going to go over that amount. But if some unforeseen thing happens and you run out, we stop. So are we going through the list like that? Or are we going through it like you have done for us? We don't get the end of West Main or the end of Claremont?

Shane Kremser: Right and that is something Jerry Mack and I are going to work with because Jerry knows the streets better than probably anybody so we want to focus on the areas and what we are going to do is we are going to purchase the material and then we are going to bid out these quantities and receive bids on these quantities but then when it comes down to the installation, we are going to stay within these areas and are going to work together with the contractor. We are going to make sure that the most crucial areas get updated. Jerry is going to be involved in that too.

Stephen Stuart: We have parts of Claremont that are beyond crack sealing right now.

Shane Kremser: Oh yes.

Jerry Mack: That is why Mifflin to College was selected. That is probably in the best shape of any part we have had. It was paved about three to four years ago. That is why that was scheduled to try and maintain that section.

Sandra Tunnell: Do you have an estimate on how long it is going to take?

Jerry Mack: The contractors do it fairly quickly. They blow everything out and they will be in here about three weeks for the project. They move right along. A lot of the problem is going to be traffic. People not real happy. At the most four weeks because they move along.

Moved by Ruth Detrow, seconded by Sandra Tunnell 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 M. Valentine W2, Ruth Detrow, Sandra Tunnell

Move to suspend the rules, 3 separate meetings, 3 separate nights, by Stephen Stuart, seconded by Robert M. Valentine W2.

Ayes: Stephen Stuart, Robert M. Valentine W2, Ruth Detrow, Sandra Tunnell

Move the Ordinance be passed by Ruth Detrow, seconded by Sandra Tunnell.

Ayes: Stephen Stuart, Robert M. Valentine W2, Ruth Detrow, Sandra Tunnell

Motion carried.

Ord. No. # 31-10

Item (b) AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN REAL PROPRETY BELONGING TO THE CITY OF ASHLAND, OHIO; AND DECLARING AN EMERGENCY (22.755 acres and 42.64 acres golf course land)

Moved for non-reading in full by Ruth Detrow, seconded by Sandra Tunnell 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 M. Valentine W2, Ruth Detrow, Sandra Tunnell

Comments?

Mayor Stewart: Did you all get a copy of the parcel descriptions and a map?

Yes.

Mayor Stewart: This is the proposal to move forward with the sale of this land. It has now been identified at 42.007 acres and another parcel at 22.67 acres on the description. Just for your information, if this Ordinance passes this evening, I will propose that we start the advertising process for an auction and potentially holding it on the 24th of July which is about 5 ½ weeks away. That is not locked in. I am proposing that the auction be held at the back entrance to this building. If it is raining we will come inside. Do it at 10:00 am. I am proposing that we use one of our own people to do the auction, possibly Rick, possibly our Finance Director, possibly myself. If any of you have a choice, and want someone other than that, just let it be known. The city will hold a reserve on both parcels. The reserve must be met or exceeded on the combined parcels for the sale to be consummated.

Stephen Stuart: We need to establish that reserve, do we not?

Mayor Stewart: That is correct. Stating that 10% Certified funds of the sale of the final sale price will be required to be paid to the city immediately following the sale and final payment in closing within 30 days.

Stephen Stuart: I propose that we establish a reserve.

Mayor Stewart: Do you want to publicly announce your reserve?

Stephen Stuart: I don't know.

Mayor Stewart: On the advice of my discussions with the Law Director, he thought that, that would not be the prudent thing to do. But it is Council's call.

Stephen Stuart: Well, we will heed the advice of the Law Director. We obviously will have a reserve.

Mayor Stewart: Yes there will be a reserve established.

Sandra Tunnell: I just have a quick clarification question. Why is the acreage different than what is in the ordinance? This one is 22.6 and the Ordinance states 22.7.

Mayor Stewart: You round off to 22.6.

Sandra Tunnell: 22.71. 22.755. If it doesn't make a difference, it doesn't make a difference. I just don't want to trip us up in the future.

Mayor Stewart: I am taking this off of the description that was given to me. That will be clarified before it is advertised. Actually it has been quite a chase getting this nailed down because of what we sold. Thank you.

Moved by Stephen Stuart, 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 M. Valentine W2, Ruth Detrow, Sandra Tunnell

Move to suspend the rules, 3 separate meetings, 3 separate nights, by Ruth Detrow, seconded by Sandra Tunnell

Ayes: Stephen Stuart, Robert M. Valentine W2, Ruth Detrow, Sandra Tunnell

Move the Ordinance be passed by Sandra Tunnell seconded by Robert M. Valentine W2.

Ayes: Stephen Stuart, Robert M. Valentine W2, Ruth Detrow, Sandra Tunnell.

Motion carried.

Ord. No. # 32-10

Item (c) AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR, DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT FOR THE PURCHASE OF EQUIPMENT FOR THE WATER DISTRIBUTION DIVISION OF THE CITY OF ASHLAND, OHIO; OBTAINING FORMAL ADVERTISING AND BIDDING AND DECLARING AN EMERGENCY (2009 International)

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

Comments?

Michael Hunter: By this Ordinance, I am seeking permission or approval to make a purchase for the Water Distribution Department. This is a dump truck. It is a 2009 Diesel International. The reason we are looking at a 2009 because it has an emissions package which we think is better, less restrictive than we have in model year 2010 and later. I discussed this with Jerry Mack and Dave with the maintenance garage and they highly recommend this vehicle. We do need this vehicle. This returns our fleet to its historical count of two. In 2004 we had two dump trucks in this division. The other failing vehicle was sold at auction. We want to increase our capacity again and take our count back to two to improve our efficiency, reduce our time on site for any given repair. We think this important because when you are dealing with the Water Distribution system, you want your disruptions to be as small as possible. Right now our typical repair, a simple straight repair, we are spending at least an hour or more on site and we need to because we only have one vehicle. We take excavated material out. It has to leave the site, dump it, and come back. You want to be able to get the location going so we can be more efficient. Less time on site, less disruption to the service.

Robert M. Valentine W2: I have a couple of questions. So it is a 2009 but it is still brand new?

Mike Hunter: It is a 2009 and it is still brand new. The price is quoted in the Ordinance itself. It is the State Bid at that time. It is approximately \$834.00 more than the current year vehicle would be but this is the price that was established at that time in 2009 for this. This is something being recommended by Mr. Mack, he can speak about any of the technical issues if you have any questions regarding that, but again, principally it comes down to the fact that it is less restrictive emission package.

Stephen Stuart: My understanding that the price of the \$69,798.00 was the State Bid price in 2009?

Mike Hunter: I am not sure of the actual calendar year but when that vehicle was spect that was the bid price, yes.

Stephen Stuart: Which it is several months removed from being 2 model years old?

Mike Hunter: Yes that is correct, but is under full warranty.

Stephen Stuart: Well, the dealer whoever has it is going to jump for joy. I just can't imagine why we would spend full State bid 2009 price for a vehicle that is within several months of being 2 model years old.

Mike Hunter: First of all, we had no choice in that regard as far as that price goes because it is the State price, if we wish to obviate bidding. So we are tied into that price as a city. The bid will be in spect with this current calendar year is actually a 2011 International. It has the emissions package. It is \$834.00 less. We could go either way sir. I am just following the recommendation of the maintenance department again because this is a better vehicle for one thing. The bid with its current spect, the 2011 vehicle will take a 10' bed, this one can handle a twelve-foot bed, which will improve our hauling capacity. Those are two of the reasons why we were looking at this. Actually I was not looking at this but it was brought to my attention and so I am following the recommendation of our maintenance department.

Mayor Stewart: I understand the numbers and if I were to buy a new 2-year-old vehicle, I would expect a significant "discount". By the same token these vehicles in the city run 12-15 years. It is a new vehicle and whether the current book value and God forbid we take it out and totaled it in the morning, we would lose because they are going to get paid for as Mr. Stuart has pointed out, with what the book price on a two year old truck.

Stephen Stuart: My question is if we are serious and we want a 2009 new, why don't we bid it out?

Mike Hunter: We can sir but I don't know what the availability is. I can't answer that question here. We know this vehicle is currently available and that is the only answer I have to that question. I understand the depreciation is a concern. It is a concern to me as well but again we were weighing the differences between purchasing a brand new 2009 even with its depreciation as well as a 2011 with its emission package and this was the recommendation.

Mayor Stewart: Jerry, do you want to speak to this?

Jerry Mack: One thing Steve, our 2010 truck we bought was a \$60,000.00 purchase and change. That same truck which is and I have a bid price on it, it is \$68,000.00. That is a one-year increase of \$8000.00. If we look at the 2009, 2011 and if we spec that same truck which is not like our plow truck. It is more equipped. It is made for the 12-foot bed. It has heavier axles. It is not like our normal state single axle. We would be looking at that truck probably today selling for \$16,000.000 more so when we look at depreciation there is \$16,000.00 that we pay more for a truck equivalent to it today. The truck has larger rear axle. It has a larger front axle and it will accommodate a 12-foot bed which capacity wise, like Mike said will definitely help them. You are looking at 2 foot more length, 4 foot high bed and 8 foot across which that is probably how many cubic yards, about 10-12 more cubic yards in that truck which will have less trips. It does have a couple of things that maybe we would not order but it was part of the package. Today that truck would probably go for \$16,000.00 more if we spec that same truck that is on that 2009 spec. I don't know if that helps.

Stephen Stuart: Whoever has that truck isn't expecting to sell a 2009 truck for the price at this point in June of 2010 of what they could have sold if for in 2009. That is not the expectation? But that is what we are paying for.

Jerry Mack: We are paying 2009 State bid price.

Sandra Tunnell: If we take out the obviating formal advertising bidding then can't we have the dealer who has this truck bid it and it would be at a lower price I would assume?

Jerry Mack: I doubt very much whether it would come in lower but that is the option we have. We can bid the same spect truck.

Stephen Stuart: Who holds the truck now?

Jerry Mack: Right now it belongs to a dealer, Miami Valley International trucks which actually is affiliated with Napsaw.

Stephen Stuart: If we were advertising for bids for a brand new 2009 unit, is it likely that is the only one that is going to be around?

Jerry Mack: No. You would get a 2011 spec truck.

Stephen Stuart: If we would advertise for bids for a new 2009, is that the only likely one to be around?

Jerry Mack: I don't think there are others around or they would have told us that. They have two 2011 trucks right now that were quick in stock as such but only for a 10 foot bed.

Ruth Detrow: So the State of Ohio in these obviating bids, they actually have the trucks warehoused somewhere?

Michael Hunter: No they do the specifications for the particular vehicle, there is a vendor. In this case the particular vendor that is hold this particular vehicle that meets those specifications happens to be Miami Valley.

Sandra Tunnell: So when a vehicle is over a year old, the specs from that year still stand?

Mike Hunter: For the purposes of establishing the price, the State bid price, yes.

Jerry Mack: The items on the trucks are pretty much the same from year to year. Things do update, but axles, frames things like that are pretty much the same. Your emission spec changes because of Federal Government. You have to upgrade your emissions. You might have a cosmetic change but your chassis and power train pretty much stays the same on all the vehicles.

Sandra Tunnell: Well you had said it is a less restrictive emissions package. Does that mean it is a more polluting emissions package in 2009?

Jerry Mack: The answer is yes. It meets the 2009 emissions spec and that changes about every year.

Mayor Stewart: Let me if I may ask Council members this. If that truck were priced at \$69,000.00 what would you expect a current market price should be for a new 2009? The point being, I am willing to call and ask the dealer, what will you sell it for? I cannot promise anything.

Stephen Stuart: Ask whether we couldn't negotiate a price?

Mayor Stewart: I don't know what we get into by not bidding at that point but that is between Council and the Law Director then. If we decide not to bid or if we want to go out and bid it. I struggle with asking a man how much he will sell me a truck for and then go out and bid it.

Stephen Stuart: That's a question for the Law Director. Do we have the authority to negotiate a price for that vehicle that is less than the state bid price?

Jerry Mack: House Bill 204 allows you to buy under state bid legally. That is one reason that is in there because if we could go find that truck for \$10,000.00 less, we don't have to bid, it is still considered a non-bid type practice. We can just buy the truck because it meets or exceeds state bid price.

Mayor Stewart: I will call sometime tomorrow after lunch to see what and I will get back to you Mr. President.

Robert M. Valentine W2: Have we already established contact with this company?

Mike Hunter: Yes, we have spoken with them.

Robert M. Valentine W2: They know what the price says on the paper?

Mike Hunter: This is the state price. So obviously that is all that we have ascertained, the availability of the vehicle and the price.

Larry Paxton: I would like to point out that the Ordinance does say that the price not to exceed. It does give you leeway to purchase the truck for less than the state price.

Mike Hunter: If I could add to that. I added that language specifically so that if it were possible to negotiate price, that we could indeed negotiate the price. So that does leave that door open for us to do that. I don't want to lose the availability of this particular vehicle unless it is absolutely necessary. I think it is a good vehicle. I certainly appreciate the fact that it can take a 12' bed and the hauling capacities. But if at all possible we can negotiate and acceptable price, then certainly I would like to do that.

Ruth Detrow: I have a slightly different angle of question. How much use will this truck get? Is it something you will be using every day?

Mike Hunter: This is a daily use vehicle. We have in excess of 50 main breaks and repairs in a given year. Any where between 86-102 breaks. It will be used frequently. It will be the workhorse. The vehicle we currently have is a 1996 model. We are looking to add to that so we have that capability.

Stephen Stuart: Just for clarity, if we were to get a 2011 under state bid, what is the price?

Mike Hunter: 2011 right now is at \$68,964.00. It is not precisely the same vehicle for the reasons that Jerry specified.

Jerry Mack: That is different where it only will accept a 10' bed.

Sandra Tunnell: What size bed is on the truck you have now?

Mike Hunter: The one we have now has a 10' bed.

Stephen Stuart: All of our dump trucks for salt are 10' bed?

Jerry Mack: We use a 10' bed. That is pretty much the standard.

Stephen Stuart: Now the emissions issue. We are going to have to address this at some point. We are not going to buy 2009 forever are we? That General Manager down there at that dealership has to have great big eyes wide open.

Sandra Tunnell: So if we pass the Ordinance and the Mayor calls this gentleman tomorrow after lunch and he says \$69,000.00 and \$69,000.00 and there is no negotiation then what?

Mayor Stewart: I will not enter into an agreement with this but what I contact the President of City Council and say this is what we can get this one for, what's your pleasure? We will know what the best price I can get before we do anything.

Moved by Stephen Stuart 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 M. Valentine W2, Ruth Detrow, Sandra Tunnell.

Move to suspend the rules, 3 separate meetings, 3 separate nights, by Ruth Detrow, seconded by Sandra Tunnell

Ayes: Stephen Stuart, Robert M. Valentine W2, Ruth Detrow, Sandra Tunnell.

Move the Ordinance be passed by Robert M. Valentine W2 seconded by Sandra Tunnell.

Ayes: Stephen Stuart, Robert M. Valentine W2, Ruth Detrow, Sandra Tunnell.

Motion carried.

Ord. No. # 33-10

Item (d) AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A CONTRACT FOR THE SALE OF FIRE EQUIPMENT FOR THE CITY OF ASHLAND, OHIO; AND DECLARING AN EMERGENCY. (Power cot)

Moved for non-reading in full by Sandra Tunnell, 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 M. Valentine W2, Ruth Detrow, Sandra Tunnell.

Ron Workman: This is just basically to sell a piece of equipment that we have through Bureau of Workers Comp Grant probably three to four years ago back when we had four medics trucks on the road. It had a two-year life span. The grant cycle we had to report a couple of times each year, reduction of back injury, basically it was a power cot that has a power system so we are not physically lifting with our back. We have downsized to 3 medic trucks and we have a fourth cot. This is just a way to sell it and recoup some money back.

Mayor Stewart: Larry are you okay with the pricing structure?

Larry Paxton: Unfortunately the value of the cot is more than \$5,000.00 and we are required to seek approval by Council to dispose of City assets that are costing over \$5,000.00. That is why you received this. I apologize for that error. That is actually I believe the Fire Department received a proposal of this type of equipment and I do not believe that they even offered the value that we are receiving currently for the sale of this.

Stephen Stuart: We are selling this to another Governmental agency?

Larry Paxton: True.

Moved by Ruth Detrow seconded by Sandra Tunnell 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 M. Valentine W2, Ruth Detrow, Sandra Tunnell.

Move to suspend the rules, 3 separate meetings, 3 separate nights, by Stephen Stuart, seconded by Robert M. Valentine W2.

Ayes: Stephen Stuart, Robert M. Valentine W2, Ruth Detrow, Sandra Tunnell.

Move the Ordinance be passed by Sandra Tunnell, seconded by Robert M. Valentine W2

Ayes: Stephen Stuart, Robert M. Valentine W2, Ruth Detrow, Sandra Tunnell.

Motion carried.

Resolutions:

Res. No.# 7-10

Item (a) A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO FILE AN APPLICATION FOR AND ENTER INTO AN AGREEMENT WITH THE CITY OF MANSFIELD, FOR THE PURPOSE OF ACQUIRING FUNDS THROUGH THE "METRICH NARCOTIC OFFICER GRANT" PROGRAM; AND DECLARING AN EMERGENCY.

Moved for non-reading in full by Ruth Detrow, seconded by Sandra Tunnell 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 M. Valentine W2, Ruth Detrow, Sandra Tunnell.

Chief Marcelli: As a member of the Metrich Task Force, we were eligible to apply for a grant that reimburses the city of wages and benefits of one officer who will be assigned to work narcotics cases. You are requesting that we do it to accept the funds from this grant to offset the cost of his pay.

Questions or comments?

Ruth Detrow: I noticed that right now the number of drug cases that have been investigated is much lower than it was a year ago. Is that because we have fewer situations with drugs involved?

Chief Marcelli: No. Our Detective Bureau is short staffed. Just recently we had a detective retire so they are down to three detectives ordinarily we have six. It has been that way for about 1 ½ years now. Unfortunately narcotics cases by their very nature are time consuming and require man-hours.

Ruth Detrow: So this officer will be doing only narcotics investigations because he is paid this way?

Chief Marcelli: No it does not restrict him to only narcotics. In fact one of the things that he does that is work within the grant is between the other narcotics detective they have gone out and done public presentations at Samaritan Hospital.

Moved by Stephen Stuart, seconded by Sandra Tunnell 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 M. Valentine W2, Ruth Detrow, Sandra Tunnell.

Move to suspend the rules, 3 separate meetings, 3 separate days, by Ruth Detrow, seconded by Sandra Tunnell.

Ayes: Stephen Stuart, Robert M. Valentine W2, Ruth Detrow, Sandra Tunnell.

Move the Resolution be passed by Sandra Tunnell, seconded by Robert M. Valentine W2.

Ayes: Stephen Stuart, Robert M. Valentine W2, Ruth Detrow, Sandra Tunnell.

Motion carried.

WARD REPORTS

Ward 4: Sandra Tunnell

- (a) I had a neighbor call me because there was high grass next to him and while he was on the phone with me, Jerry's crew came out and mowed. Thank you Jerry for your prompt service. But I guess it brings up my concern that I am sure everyone else has had as well as I have had, the calls about the tall grass and it is just frustrating I guess because the majority of my calls are for houses and the yards that are foreclosed on. There is nobody to bill and we have limited resources as it is. Spending the money mowing everyone's yard in Ashland isn't probably the best allocation of it. I did pull up the Ordinance and it does say after five days we can mow it and then charge them and then if they don't pay, they are guilty of a minor misdemeanor. I don't

know how much enforcement there is for that penalty but I know in my Ward and certainly other Wards would probably benefit from some sort of increase in that.

Mayor Stewart: Mrs. Tunnell, I would suggest that, I am very of that Ordinance and I am also very aware of the resources that we have and the process of recouping those funds that it costs us to do that and I am willing to do what this Council wants to do in that case but the money has to be flushed from somewhere to support the grass mowing. It is General Fund money and I think you heard very vividly one of the reasons we are down three Lieutenants. The Fire division is down. I hate tall grass and I have to tell you Ellie Grubb hates tall grass too because she gets most of the calls that come to my office. One of the problems is that by the time it comes in, it is not a lawn mower; it is a bush hog job. Now we have to go out with a tractor and what would have been a \$30.00 or \$35.00 job is probably a \$200.00 job with the piece of equipment.

Robert M. Valentine W2: I know what you are saying because the city of Mansfield used to charge \$50.00. Some people said that is cheap to get my yard cut so they let their yard go. Now they charge like \$350.00.

Mayor Stewart: Then that people that we charge, so you take a bank in California to small claims court. I suppose they have to respond. I am not an attorney. It is extremely frustrating to me to tell someone we are going to work on it, but Ellie is looking up owners; the owner on record. Unfortunately many of those are not even up to date. So that means you have to call the Auditor's office. We can identify the owner. Five days, it may take that long for a letter to get to them. It is not that I don't recognize the problem; quite frankly I don't know how to responsibly address it. I am open for suggestions. There are four brilliant brains sitting at this table.

Sandra Tunnell: Minor misdemeanor, I know we talked about it before and then got two more calls. I thought I would bring it up. There are more than the four brilliant minds at this table that could come up with ideas too. It is frustrating to me and I know you talked about other people shoveling other people's snow when they cannot do it and that is an option and now I know a lot of those yards now need a brush hog to mow them. That is an option.

Stephen Stuart: One thing we could do is to review the process with our Law Director and maybe increasing the fee for it. I have no idea of what the percentage of collection is. We are really talking about the absentee owners being banks. They should be responsible.

Robert M. Valentine W2: I had one last year on Sandusky Street that I turned in and it was a government. They said, and this came from J.C. Meyer, they told us not to mow it because if it looks crappy, people will buy it quicker. They ended up cutting it because I kept calling them.

Ellie Grubb: One thing I do, what I find the majority will appreciate the fact that you take the time to talk to them and at the end of the conversation ultimately I do not give them a solution. I do not guarantee that we will cut it but they somehow come away and as a matter of fact two people said to me "Well if the city would cut it the first time, because it does need a brush hog, I would maintain it after that". I did not ask them to do that. They volunteered. There are some people who respond to listening to them and their frustrations, unfortunately it takes time.

Ruth Detrow: If we are willing to push it clear through the process and it eventually ends up a lien against the property, those the companies do take care of. If there is a lien, before there can be a transfer of ownership, they do take care of that lien. It is a matter of where do have the money to wait for all of that time?

Sandra Tunnell: Ellie, what kind of response do you get from the Mortgage companies?

Ellie Grubb: Two lien companies, one is in New York and one is in California. I do not get any kind of response. What I tell the people we do not maintain properties.

Mayor Stewart: I am going to offer that if two of you would meet with me and Law Director, Wolfe the first of the week. Let us see if we can look at cleaning up the process, meet the current conditions that we are facing. Maybe an Ordinance change. He has to be involved in whatever we do. If I can get two volunteers to meet early next week. I also want to share with you that I have had dialogue with both our Municipal Judge and Rick and this is not something that anyone is too excited about having those who are trying to work off fines because they are working with power equipment and then they need supervision and none of those that I talked to think it is a very wise move. To me it looks like a super move. They are looking at it from a Worker's Comp situation and other issues. As I have said many times, when the Law Director gives me advice, I take it. If two of you want to volunteer. I saw one had down there. Is that okay, Ruth and Sandra?

Lila Koch, Miller Street: I live on Miller Street. That one corner lot, it took that lady last year 45 minutes to mow that little spot. This year, the neighbor lady went to of the people here in the city and said, "Get me an old lawn mower and I will mow it and keep it mowed". You go down there and look at the corner, it is mowed.

Mayor Stewart: I will call you when I get hooked up with Rick and get a time.

Ward 2: Robert M. Valentine

(a) I had a call last week and I called and talked to Mr. Hunter. You guys took care of it for me. The lady on Fairview. Really good response and she called me back and thanked me and said to thank you. Appreciate it very much.

Ward 1: Robert L. Valentine
Excused

Ward 3 Ruth Detrow

(a) I haven't had hardly any. I had a couple of calls on the Siler property. I was told last meeting when the city would get to mow it, it was next week. I called Mr. Gault to tell him that and he said that they were already there. It was Friday of the previous week. So our city people are really working hard to keep up with this grass which is growing faster and better than I think it ever has.

At Large/President: Stephen Stuart
(a) No report.

Old Business: None

New Business:

(a) Request for approval for a ground sign installation, Rick Ewing, AU.

Mayor Stewart: This request came to the planning commission along with two others and the Planning Commission took the time to go out and visit each of the sites and then came back to Planning Commission the first Monday of this month. The particular one that is in for your consideration this evening was past agreed to by the Planning Commission the variance in a Special Meeting.

Rick Ewing, AU: We went out and specifically looked at the site and discussed the minors of the variance.

Mayor Stewart: The reason for the dialogue on it is the sign as proposed is in fact encroaching into the actual right of way by 1 foot, 6 inches. I have to tell you that that right of way is awfully wide on that side. It goes all the way back to about 6" in front of their decorative post. Is it about 6 " or is there maybe a foot, Rick?

Rick Ewing: About a foot.

Mayor Stewart: In front of the decorative post, they call it the existing brick. A good part of the front yard in front of the Gil Center where there is soon to be a Welcome Center is consumed by right of way. That was the reason that it comes to City Council. Council, based on the information I have, it is up to City Council to determine whether the sign can encroach into the right of way or not.

Robert M. Valentine W2: Is this on College?

Rick Ewing: Yes it is on college.

Robert M. Valentine W2: So the private tow away zone is a city street, right? Per your sign?

Rick Ewing: Actually what we are identifying in the sign is the parking lot which is actually behind the Gil Center. This is part of an effort that we are trying to do on campus to identify all of our parking lots throughout campus. They are identified by letters. So that particular drive leads to the parking lot, which is behind the Gil Center by the College of Business to identify parking lots. The verbage that you see here is not in reference to the street, it is in reference to the parking lot, which we are required to post on all of our parking areas.

Robert M. Valentine W2: That is the one that runs by the Coffee Shop that goes back?

Rick Ewing: No it is between the KD Pizza and the Gil Center.

Stephen Stuart: You have the sign sitting in that entrance now, don't you?

Rick Ewing: We had it there for the day because the Planning Commission was coming up. We have taken it down since then. The reason I am here in front of you, the Planning Commission actually approved the variance because the Ordinance requires a certain set back in the right of way and in all three locations we were into that set back. In this particular one because of the wide right of way on College actually encroaches 6' into the right of way, which is why I am here before Council. When I was out there with the Planning Commission, we looked at the location. As you can see it is about 17 ½ feet back from the road, which is in fact farther back than some of the other signs that have been approved. I believe Shane Kremser was out there as well to gauge the utility issues that might be involved by encroaching on the right of way as well. So again I ask that we will be able to locate this in front of the existing pillar so it is close enough to the road that it is visible but again it does encroach on the right of way.

Sandra Tunnell: So this means the other signs don't encroach?

Rick Ewing: That is correct. The other two that have been approved by the Planning Commission do not encroach upon the right of way. That is why they do not need to come before City Council. This one does.

Shane Kremser, City Engineer: It is an 80' right of way where the other ones are typically 60'. 10' additional right of way on each side.

Mayor Stewart: This is actually College Avenue is it not?

Rick Ewing; Yes it is.

Stephen Stuart: You can see the proposed location of the sign versus the sidewalk.

Mayor Stewart: My suggestion for this Council would be if you approve this, that the University must sign a waiver that if we have to do something in the right of way, that it will be their responsibility to replace whatever might have to be done if that sign has to be moved. I can't envision that. Let's just say we decided to put a new water line through there and that was the right place to put it giving them the opportunity to put this in the right of way, I believe that they should accept the responsibility if we have to get in there. That is for your consideration.

Stephen Stuart: What is your reaction to that Rick?

Rick Ewing: That is acceptable. I understand that.

Questions or comments:

Move to approve the variance for the sign with the stipulation that Mayor Stewart has indicated by Stephen Stuart, seconded by Ruth Detrow.

Ayes: Stephen Stuart, Robert M. Valentine W2, Ruth Detrow, Sandra Tunnell.

Sandra Tunnell: I had a call today. The person was concerned that people are not following the guidelines of putting out their garbage. I didn't know if Jerry wanted to address it or not. People in this neighbors area are putting out their garbage early and then it leads to all sorts of issues, which I am sure you all can imagine with animals getting into them and garbage flying around. I didn't know if you wanted to say what the actually time is that you are supposed to put it out?

Jerry Mack: We do have problems with that. Most of the places we do see them, they are charged an additional \$8.00 for having it out on the wrong day and we usually pick it up, trying to get this picked up so this doesn't happen. The \$8.00 is because we go out additionally and pick it up on the wrong day. We also send these people letters with all the guidelines on it. We have some people that I think every week get \$8.00 and I don't know how to address it. I can send them letters and I have quite often. I know I have sent at least 6 to one address on Sandusky Street. I do not know how to get the point across. If any of you have any suggestions, maybe a big fine of some sort, which we do not have in place. I wouldn't want to pay an extra \$8.00 for my garbage. Usually they call and say, " why? " "Now we understand". There are several places that are constant. We have tried contacting the owners. They are usually rentals.

Sandra Tunnell: The bags cannot go out until 5:30 am until the morning of?

Jerry Mack: You can actually put it out the night before in a can with a sealed lid. It has to be out by 7:30 am. Unfortunately somebody is first getting their trash picked up so they are usually running about 7:30. You can put it out as early as 5:30 am. Sometimes that is a problem for people. The crows tear things to pieces.

Finance Director's comments:

- (a) We are nearing the completion of the 2009 audit of the City's books. They started in January and hopefully by the end of this week we will have that done. The financial statements were submitted to State Auditors office as required on time. We did not have to apply for the extension this year so that may sound like a small feat but trust me, it wasn't. The CAFR will have to be re-filed by the end of this month before July. That is coming along. We have some pictures in the CAFR that may appear somewhat boring to some people but I think it is a very important step in the right direction on behalf of the city and the Mayor and his Administration. One of the pictures on the front of the CAFR is a brand new railroad extension into our Industrial Park. It may not mean a whole lot to a lot of people but when is the last time you have seen a railroad track being built? I think that has a lot to say about the condition of the city and our attitude and how we are doing business. I hope to have that report to you by the end of this month.

Mayors Comments:

Mayor Stewart: I would like to keep you up to date as much as possible. I did hear a comment earlier today we have lost a couple of vehicles to accidents. We lost a vehicle to a vehicle fire. They are in the insurance process as we speak and probably one of the vehicles will be totaled. Has it been identified? We are working with the insurance companies. Neither of the police vehicles were our fault. They were the fault of other drivers. The utility truck got hung up in to some soft ground; catalytic converter started the grass on fire. I don't know if while the truck was setting there a gas line broke or what happened, it con-

sumed all of the wiring and all the plastics in the engine compartment. We are looking at roughly \$8,000.00 to get the truck started. I say that because the amount of heat that it took to do some of the damage, I think myself and our maintenance department are very concerned about other internal seals and so on of which it was right around the transmission. It is a four wheel drive around the differential so the insurance company as told has agreed to keep the claim open, but they are going to spend about \$8,000.00 dollars to get the truck started. That will be probably and four or five-week process to get to that point and then we will go from there. I don't know what kind of communication we have. I actually request that the department heads keep me informed and my note to them is that to send it to me. I can always throw it away. If I don't have it I cannot respond to it if one of our constituents should ask about it. Maybe in some way, shape or form, if Council would so desire to communicate with Council President and let him get it to you, if that is the sort of thing you would like. I don't like surprises. Some things that you may be told are for your ears only. That is just the way some things are. If we communicate wholly, it has to be that way. I probably will not write it.

Stephen Stuart: Question on our resurfacing bid, where are we on that?

Mayor Stewart: Mr. President, we, Jerry and I and Shane and I have taken another track, if you will, on that. Our initial proposal was to resurface Mifflin Avenue from point to point and Smith Road from point to point and I don't recall. Actually if you go out Smith Road there is a lot of good pavement. Now there are a lot of cracks that are really bad and what I have instructed our guys to do, lets get out there and get those marked. Now that is what causes to grind, then we will intermittent resurface. The whole street as a whole, there is an awful lot of very solid pavement there. I was in Cleveland today and the highway department is doing that. It seems to be with the diminished amount of money that we have for surfacing, we may get a few more streets a little better repaired. It won't be racetrack smooth but they will be better if we try and spread our dollars out that way.

Stephen Stuart: So we are going to mark it for a contractor to pave?

Mayor Stewart: Yes. We have to mark it, identify the square footage. We have not bid it yet. I drive that street every day and we looked at some others and it just seems like it is not the prudent thing to do an inch and a half or two inches of surface and these cracks are going to come right back through if we don't do a little bit of work to them. That is the track we are on now. Shane and Jerry am I saying that the way we all three understand it?

Stephen Stuart: What do you think your time limit will be to advertise?

Mayor Stewart: We will be very fortunate to get a request for bid out by the first of the month. I don't know that we can. A week to go out and mark it and a week to figure out the volumes that we will want to resurface putting it together and we will be very fortunate after the 4th of July. Have a bid opening before the first of August if every thing goes smoothly. There is plenty of paving time. August, September, October those are good months.

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

Lila Koch: Who got the bid on the demolition; did he get awarded that demolition?

Shane Kremser: Yes. Were you the one that called and said he was out there and saying he was second-guessing his bid?

Lila Koch, Miller Street: I didn't call you.

Shane Kremser: I did give him a call. He was talking to the residents out there because he was concerned about the clearance there between the homes. I called when I heard that. He is moving forward, we awarded it. We are working through the state. He was the lowest bid in Federal projects. We did not have a lot of choice. He was the low bid and they told us that there isn't a lot of time to investigate it. It is a demolition project so it is a lot easier to tear things down than to build them.

Mayor Stewart: Three houses on Cleveland Avenue and one on Miller Street?

Shane Kremser: Yes. On Miller Street.

Mayor Stewart: Good news, the latest off of the press. The ladder truck is repaired and we are making arrangements to go drive it back and if anyone wants a whale of an experience in the passenger seat have at it. I understand it is a rough ride. The driver's seat is not all that bad. The passenger seat is not made by Lazy Boy.

Motion to move to adjournment by Stephen Stuart, moved by Robert M. Valentine W2, seconded by Sandra Tunnell

Ayes: Stephen Stuart, Robert M. Valentine W2, Ruth Detrow, Sandra Tunnell.

ADJOURNMENT AT 8:25 P.M.

Submitted by
Valarie Bishoff
Clerk of Council