

 APPROVED

**URBANA CITY COUNCIL
REGULAR SESSION MEETING
TUESDAY, MAY 19, 2020**

President Hess called the City of Urbana Regular Session Meeting to order at 6:00 p.m. City staff attending: Director of Administration Kerry Brugger, Mayor Bill Bean, Director of Finance Chris Boettcher, Director of Law Mark Feinstein, Superintendent of Public Works Chad Hall, and Community Development Manager Doug Crabill.

PRESIDENT PRO TEM CALLED ROLL: Mr. Fields, absent; Mr. Hoffman, present; Mr. Paul, present; Mr. Scott, absent; Mr. Thackery, present; Mr. Ebert, present, and Mrs. Collier, present.

MINUTES

Urbana City Council Regular Session Meeting Minutes of May 5, 2020.

Mr. Thackery moved to put these minutes on the floor for discussion and possible passage. Mr. Ebert seconded. Voice vote on approval: all ayes; nays, none.

Motion passed 5-0.

COMMUNICATIONS

None

ADMINISTRATIVE REPORTS – BOARD OF CONTROL

1. M&T Excavating LLC - \$1,903,099.65 (Water Loan from WSRLA)

Mr. Crabill stated that the City received three bids and this was the lowest of the three. He also added that City Engineer Tyler Bumbalough, Water Superintendent Joe Sampson and Superintendent of Public Works Chad Hall, all met with the contractor for discussions. He also stated that there is a 10% contingency to cover any unanticipated costs with the project. The costs split between the water and sewer is 81% water and 19% sewer. It is planned that the project would begin this summer and continue through this coming fall, to be ready for ODOT to pave next spring.

Mr. Ebert asked how this was going to get paid back. Mr. Crabill advised through the Water and Sewer Fund and that applications for loans would be going out. Mr. Crabill

also advised that it has been discusses that the water rates may be increased by Administration.

Mr. Thackery asked if it was certain that a utility rate increase was coming. Mr. Crabill stated that the sanitary sewer rate would not be changed, and since Administration decides the water rate, it has been discussed to increase the rate to help pay for the costs.

Mr. Hoffman stated that this project needed to happen and that he was certain that the City and Council would hear about it from the community. He also reiterated the fact that it had to happen and everyone is just going to have to deal with it.

Mr. Paul said that he was concerned with the budgeting factor, but I hearing the facts, he doesn't have a concern.

President Hess asked how many phases are there to the project. Mr. Crabill advised that every five years is the projection for the phasing.

President Hess asked if Administration could start the increase in the rate for water sooner than later, to prepare for future phasing. Mr. Brugger stated that Ms. Boettcher was in the process of crunching numbers now.

Mr. Thackery moved to put this item on the floor for further discussion and possible passage. Mr. Ebert seconded. Voice vote on approval: all ayes; nays, none.

Motion passed 5-0.

2. Choice One Engineering - \$39,000.00 (Water Loan from WSRLA)

Mr. Crabill stated this was for Scioto Street only, for the water main and sewer replacement inspections. He added again, the break down at 81% for water and 19% for sewer.

Mr. Ebert asked if this was mandated by the state. Mr. Crabill stated that you always want an inspection on a project.

Mr. Thackery moved to put this item on the floor for further discussion and possible passage. Mrs. Collier seconded. Voice vote on approval: all ayes; nays, none.

Motion passed 5-0.

3. Boser-Morner - \$23,529.10 (Water Loan from WSRLA)

Mr. Crabill stated that an example for construction testing services would be trace compaction and material testing, etc. He added again, the break down at 81% for water and 19% for sewer.

Mr. Thackery moved to put this item on the floor for further discussion and possible passage. Mr. Ebert seconded. Voice vote on approval: all ayes; nays, none.

Motion passed 5-0.

CITIZEN COMMENTS

None

Ordinances and Resolutions

First Reading –

Resolution No. 2584-20

A Resolution authorizing the Director of Administration of the City of Urbana to execute The Cares Act Grant Offer, Grant No. 3-39-0080-012-2020 (“The Grant”) for the Grimes Field Airport, and declaring an emergency.

Mr. Brugger stated that on March 27, 2020, President Trump signed the Coronavirus Aid, Relief, and Economic Security Act. He further stated that the funding comes through the FAA and the City is eligible for \$30,000.00 for operational purposes. He added this is not a loan, it is a grant.

Mr. Thackery moved to put this resolution on the floor for further discussion and possible passage. Mr. Ebert seconded.

President Hess called for a roll call for passage: Mr. Hoffman, yes; Mr. Paul, yes; Mr. Thackery, yes; Mrs. Collier, yes; and Mr. Ebert, yes.

Resolution passed 5-0.

Second Reading –

None

Third Reading –

None

MISCELLANEOUS BUSINESS/WORK SESSION

Mr. Brugger stated that the renovation has begun for downtown streets, starting with milling. He added that Mr. Bumbalough along with himself, would be taking a walk on North Main Street tomorrow to discuss repairs and/or replacement of the street as well. He also mentioned that work continues on other projects as a lot of activity is happening in the City.

Mr. Thackery thanked the community for keeping up with the small businesses.

Mrs. Collier asked if there were going to be any trucks detoured around downtown, during the restoration process. Mr. Brugger advised that there would be some detours, and this same restoration should only last approximately two weeks. The projected date of completion is May 29, 2020. Mr. Crabill added that the contractors are doing day-time work only and the detours would be local only and only during the day.

Mr. Hoffman asked Mr. Brugger if he would check on 230 Water Street. He was advised by a community member that they thought they were running a body shop out of their house. Mr. Crabill added that they have been notified and that it is being looked into. Mr. Hoffman continued to speak about Pointe North and stated he has heard a lot about the closing from the community. Mr. Brugger advised that there was a hand full of people that ruined it for everyone and that the City has other things more pressing presently. Mr. Hoffman asked about the pool closing and stated that all the summer sports seem to be shutting down, and he was thinking of the children and their safety. Mr. Brugger stated that the new regulations passed down by Governor DeWine make it very challenging for the pool's layout. He added that the City would finalize their review tomorrow and have a decision by Thursday. Mr. Hoffman added that he didn't think people realize the rules and regulations and how there is no way to police it. Mr. Brugger added that if the City should decide to open the pool, it wouldn't open until the 2nd or 3rd week in June, and as right now the City Pool remains closed.

Mr. Paul stated that if Council is going to continue to do Council Meetings through the Go To Meeting process, Council may have to put a little money into it, because it is very hard to hear anyone. President Hess stated that we are willing to try anything.

Mr. Ebert stated he was bombarded on the issues of Pointe North and the City Pool. He asked about the Fourth of July festivities for the City. President Hess advised that it was cancelled and

that it was in the newspaper today. Mr. Ebert also stated that he drove through Settler's Ridge and it seemed to be draining pretty well with all of the rain we are getting.

Mayor Bean said he received an email from Brad Bodenmiller with LUC, asking him to encourage the community to get their 2020 Census in, for it is of the utmost importance. He continued by advising everyone of his sadness in his saying that the Chili Cook-Off and the Hoopla Parade have both been cancelled for this year. He said that we all have to look toward 2021 and make the Chili Cook-Off and Hoopla Parade the best we ever had.

Mr. Crabill stated the final paving project of the downtown area will wrap up in the next couple of weeks.

Mr. Hoffman spoke about everything being cancelled. He stated there were four people hospitalized in Champaign County for the Covid-19, and it was clear that the County was not being impacted by the pandemic. He asked Mr. Feinstein if there was anything the City could do legally to go against the orders in place. Mr. Feinstein responded that Home Rule is two separate powers. He said those are the "power of self-government", which is absolute, and "police power", which cannot be in contradiction to the general laws. The issue is whether opening the City contrary to the mandates of the Ohio Department of Health asserting pandemic safety issues is a power of self-government or a police power. Traditionally, any issue of health/protecting citizens falls under police power, not local self-government. So, the first barrier to opening the City is crafting the argument that doing so falls under local self-government vs. police power. I think that can be accomplished (or we could argue it is a police power but does not contravene) by incorporating each and every mandated safety and health protocols into any legislation to reopen. So, for example, mandating that all business that reopen under your legislation wear masks, require that all customers wear masks, no more than 10 people, mandate the 6 feet social distancing requirements, etc. The obvious problem there is that I imagine that the constituents who would appreciate the decision to reopen would be the same lot that would buck and thrash against those requirements. Also, doing so places a pretty heavy burden on law enforcement. And so on. There is also the matter of the effective date of any legislation, which I think we could argue to be a resolution, but still, there are some substantial diminishing returns. Mr. Hoffman responded that this was not right. He stated that people elected us to take care of them. He added that Urbana was not New York City and that he just wished there was something that could be done.

President Hess spoke about Pointe North and how the City could stop everyone from entering on the west side. He also inquired about the time limit for residents that have fire damage to have the building cleaned up. Mr. Crabill advised him to follow up with Adam Moore on that issue.

Mr. Feinstein advised there would be a Charter Review Meeting tomorrow at 6:00 p.m., through the Go to Meeting process and that everyone could contact Amy Deere for information on attendance. He added that the deadline for changes is June 16, 2020.

Mr. Hoffman moved to excuse Council members Cledis Scott and Gene Fields. Mr. Ebert seconded. Voice vote on approval: all ayes, nays none.

Motion passed 5-0.

Mr. Thackery moved to adjourn. Mr. Ebert seconded. Voice vote on approval: 4 ayes, 1 nay, from Mr. Hoffman.

Motion passes 4-1.

ADJOURN AT 6:51 p.m.

NEXT SCHEDULED MEETING

June 2, 2020, at 6:00 p.m.



Council Clerk



Council President