

**URBANA CITY COUNCIL  
REGULAR SESSION MINUTES – OCTOBER 9, 2012**

The Urbana City Council Regular Session Meeting of Tuesday, October 9, 2012, was called to order at 7:00PM by **Council President Marty Hess**, in Court Chambers/The Municipal Building.

Attendance – All Council Members were present

City Staff – Mayor Bill Bean; Mr. Kerry Brugger, Director of Administration; Mr. Lee Williams, Finance Director; Mr. Doug Crabill, Assistant to the Director of Administration; Mr. Brad Bodenmiller; Mr. Chad Hall; Attorney Gil Weithman, City Law Director; Mr. Colin Stein (in audience)

**Roll Call and Pledge of Allegiance**

**Approval of Minutes**

Mr. Al Evans moved to approve the UCC Regular Session Minutes (September 25, 2012); Mr. Robert Thorpe seconded. Motion carried without objection.

**Proclamation**

Mayor Bill Bean read a Proclamation recognizing October as “Breast Cancer Awareness Month.” Mayor Bean issued a plea to all women to be vigilant with regular check ups/examinations/mammograms to aid in prevention/early detection and/or treatment.

**Communications**

Mr. Thorpe moved to combine all 7 Communications, and to place them on file; Mr. Eugene Fields seconded. Motion carried without objection.

Council President Hess indicated to Mr. Thorpe that the Communications should be read.

Mr. Thorpe began to read Communication 1.

Council President Hess corrected, and said the Clerk should read the Communications.

Mr. Thorpe replied, “I didn’t know whether she could read or not!”

There was laughter, and surprise, by those present.

The Clerk read the Communications as follows:

1. LUC Regional Planning Commission Executive Committee Meeting Minutes of Sept. 13, 2012
2. LUC Regional Planning Commission notice of invitation to Council – 45<sup>th</sup> Annual Dinner on November 15, 2012 (6:30PM) in Marysville, OH
3. Sept. 27, 2012 email to Council – Mr. Sam Benton NOISE (Nat’l Organization to Insure a Sound-Controlled Environment) Communication Director/Washington D.C., regarding the upcoming Annual Policy Summit & Community Involvement Workshop on Nov. 28, 2012 in Boston, MA
4. City of Urbana Design Review Board Minutes, July 23, 2012
5. City of Urbana Planning Commission Minutes, July 23 & August 13, 2012
6. City of Urbana BZA Minutes, August 13, 2012
7. Time Warner Cable Inc. (Oct. 1, 2012 – Letter) regarding internal reorganization (the “Transaction”), whereby TWC cable operations will be conducted through 7 regional entities designed to create a more geographically rational structure

**Administrative Reports – Board of Control**

Mr. Thorpe moved to authorize a purchase order to Trenor Motors in the amount of \$16,565 for the purchase of a 2012 GMC Savana 2500 Work Van /HD/. (This will be charged to the WWTP, and is in the 2012 Budget); Mr. Fields seconded. Motion carried without objection.

Discussion –

Mr. Doug Crabill explained:

“This is obviously a new vehicle...we did our standard bid process, including a legal ad and using our website for bids (like we’ve done in the past)...you can see we’ve got some bids from outside the City (and other places in Ohio—surprised me)...so it shows that

people are looking at our website...there were 4 different dealers that submitted bids...5 different vehicles...Trenor submitted an alternate bid, and that's actually the bid that's being put up for acceptance tonight...they had the 2 lowest priced vehicles, so we were in control in so far as did we want to take the alternate or their original bid...so...the alternate vehicle is actually in their dealer stock, and Chad's been out to see it...so I think that vehicle (we decided) would work...and Trenor's offering the 2 lowest bids...and we went with that one."

Mr. Chad Hall added, "We're trading in a 1998 Ford Cargo Van...the City bought it used in about 2000, so it's had it's time...the van is used by lab staff (samples, industrial pretreatment, etc., anything lab related)."

There were no questions from Council.

Mr. Larry Lokai simply said, "A \$3,000 gap—wise choice."

### **Citizen Comments**

There were no citizens who came forward at this Meeting.

### **Ordinances and Resolutions**

#### **Third Reading –**

#### **RESOLUTION NO. 2375 –**

A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO TRANSFER A CITY OF URBANA PROPERTY TO HABITAT FOR HUMANITY OF CHAMPAIGN COUNTY OHIO, INC.

RESOLUTION NO. 2375 did not have a Third Reading, and was declared 'Null & Void' by Council President Hess

Attorney Gil Weithman addressed Council:

"Today—I got a call first thing this morning from Judge Wilson, our Common Pleas Court Judge—he indicated to me that he had put out an entry that dealt with an issue we were expecting him to have dealt with for awhile now...and in that entry (what he has done basically)...and I'll give a copy to you, Mr. Hess, that you can share with the rest of Council (Mr. Lokai already has it, and I don't know if anybody else has it)...but...it basically says that because there was a thought...and I believe...with the City, plus a belief with the Court (and that would be Common Pleas Court), that the property would be given to the City...not having any tax on it, and because the Champaign County Auditor objected to that...and claims (and the State supports her) that only the Champaign County Auditor can give taxes on the taxable portion situation. He said (because of that), there is no meeting of the minds between the City, when the City petitioned to have it turned over to them...and he therefore said that the City's petition...he was taking that petition away, and then ordering the property to go (as if it would go)...the City would take it and transfer it to the State, so we do not (and are not) in the position now to offer it to Habitat. We are no longer the owner of it. When we did petition to have it...we were...he's taken that back now, and he's given it back (forfeited it back) to the State...so now it's in the State's hands."

"So Resolution 2375 is null and void?" asked Council President Hess.

"It is null and void—we do not have it to give to them..." Attorney Weithman responded.

"So what you're saying then...is it's going back to the County?" asked Mr. Thorpe.

"It's going to the State," answered Attorney Weithman.

"Back to the State—so if Habitat for Humanity wants the property, they apply to the State?" asked Mr. Thorpe.

Attorney Weithman said, “That’s what I was told, sir—and if any of you want to see the entry, I’ll give this to Mr. Hess...and he can make copies of it.”

Mr. Thorpe replied, “Thank you.”

Mr. Lokai (to Attorney Weithman) stated, “Thank you for getting that done.”

Council President Hess told Council the Clerk will have a copy of the entry in the Council Office ‘in case anyone wants to see it.’ He thanked Attorney Weithman for providing an explanation to Council.

**Second Reading –**

**ORDINANCE NO. 4387 –**

AN ORDINANCE AMENDING SECTION 1117.03 SINGLE NON-CONFORMING LOTS OF RECORD

(\*Read and declared a Second Reading)

No questions/discussion.

**First Reading –**

There were no First Readings at this Meeting.

**Miscellaneous Business**

Mr. Hoffman - Expressed appreciation to everyone who assisted with the Chili Cook-Off, and to those on Council who ‘gave out hot dogs’  
Special credit was given to Mrs. Virginia Smith (and her husband) for ‘a fantastic job’; Said it was, ‘a good event’ and was well received by the citizens

Mr. Lokai - Said, “If we’re going to beat the record—we’ve got to get under 7:19 (that’s the short meeting record)...Buckeyes are 6 and 0, and everybody’s happy.”

Council President Hess told Mr. Thorpe he was temporarily skipping him, because he didn’t look quite ready

Mrs. Smith - Said, “I just want to thank Walmart—they donated the hot dog buns for the Chili Cook-Off, and for the free hot dogs—my husband really enjoyed it—he really got into it. I do want to thank the Council Members for helping me.”

Asked, “We have people that set furniture along the road, and it sets there for weeks (sometimes a month)—now, who’s supposed to take care of that if they don’t do it?”

Mr. Bodenmiller defined the property owner’s responsibility, and Landlord/City responsibility to abate nuisances. He indicated owners are given about 2 weeks to get trash picked up, and then he will coordinate with the owner(s); Asked where Mrs. Smith saw the furniture Mrs. Smith did not specify a certain address, but pointed to Miami St. Mr. Thorpe suggested examining hauler contracts regarding large items at the curbside; Some haulers only allow 1 large item, and some charge Mr. Bodenmiller suggested calling the hauler, and also letting the hauler ‘know in advance’ regarding large items

Mr. Paul - Commended Mrs. (Audra) Bean ‘for doing a wonderful job on the Chili Cook-Off’

Mr. Evans - Said, “Whenever I intend to thank people, I usually leave people out... but I just want to say...there were 2 people that were involved in that

Saturday that really stood out...one was Mrs. Bean (Audra), she put that together, and that turned out to be an awesome event...and the second one was Mr. Dwight Paul, who was the person who put together the parade...didn't really understand at the time he and I first started talking about that, what an awesome responsibility that is to get all those people lined up and in the proper order!"

"I had help," said Mr. Paul.

Mr. Evans complimented the 'Toastmaster/Emcee, Mr. Hess' for an excellent job

"All-in-all it was a great event for our city—a lot of people were downtown!" stated Mr. Evans. "A lot of kids were downtown for the parade—the Shriners did a great job—I don't want to go on and on... but I think if you're involved in Urbana...and your buttons weren't bustin' with pride that day, you're not alive...so with that..."

Mr. Fields - Expressed appreciation to the Street Dept. for assisting him by taking stuff he had cleaned from his curb/gutter, as they drove by

Mr. Thorpe - Nothing at this time

Mr. Paul - Expressed gratitude to Mr. Crabill for assisting with the parade order "Team effort—thank you very much," said Mr. Crabill.

Mr. Doug Crabill – Said, "Recycling—everyone got their water bill here in October that reflects their September service—should see the \$3.18 on your bill, instead of the \$3.64...we mentioned a couple meetings ago about the 64 gallon recycling cart, that is now available. There's a message on the bottom of the water bill...there's an 800 number you can call, and request that directly from Waste Management...and they'll deliver that 7-10 days later...and that's basically (when you get that) it's between you and Waste Management...so, if it comes up missing you're responsible for it to Waste Management."

He added, "The business recycling—we haven't done a major push for that, but that is on the water bill as well (for the businesses interested in recycling)—they're asked to contact myself, and see if it's something that can be provided to them. Basically, what we're looking at is—businesses that can recycle using one of the toters—so somebody that generates dumpsters of cardboard it's not going to work...if you're interested, let me know."

"The other thing—is I went to an Advisory Committee last week for CDBG money—sounds like the proposal on the table for the State going forward for CDBG funding to the City is that more than likely we'll be going for our funding from Champaign County—we will lose our status as getting money automatically, and there will be like 26 cities in Ohio (potentially) that will go that same route," stated Mr. Crabill. "Looks like it's definitely us, and probably Bellefontaine, that will be going that route...our money will be funneled to the County's program, and then we'll have to go to apply...like everybody else...and then they're also talking about...like the downtown program...they have an infrastructure program, and there's

another one...but even those, we would have to go to the County and apply for. There's pros and cons to it—but that's what's being proposed—we just got our FY12 grant agreement from the State... so we'll have that program to administer over the next year...but it looks like the '13 program (which we would apply for in June) more than likely will be going...for us to apply at the County level. If I hear more (or learn more) I'll let you know, but that's what they're looking at doing.”

Mr. Evans asked, “If a resident opts to contact Waste Management to get the big tote—where do they turn in their maroon tote?”

Mr. Crabill said, “I don't believe we've really set something up formally for that—I guess if they brought it up to the Utility Office, and we have some way of logging it back in...you know, we have a record in the Utility Office of who has what bins...so that's probably the natural thing. We did talk about trying to set up something that we would have Waste Management's vendor collect them, when they dropped the other off...and I'm not sure how well that would work...it's probably best to bring it back to the Utility Office.”

Mr. Evans asked, “Is it unlawful for residents to drive their trucks down the streets, and pick out all the cans (in the recycling), and throw them in the back of their pick up truck?”

Mr. Crabill replied, “I think that's actually in the Recycling Ordinance—that the recyclables are the property of the City of Urbana for the program.”

“So anybody that witnesses something like that—they just need to get a license plate number (or something), and call the Police?”

asked Mr. Evans.

“My understanding is—yes,” answered Mr. Crabill.

Mr. Chad Hall - Nothing at this time

Mr. Brad Bodenmiller –

Nothing at this time

Mr. Colin Stein - Council President Hess said, “I had a question about leaves.”

“It's not time yet,” Mr. Stein replied.

Mr. Lee Williams - Said, “Now that we have the assignment of Council Members to the functional areas of the City (for budgeting purposes)—watch your emails and voicemails, (Mr. Thorpe), for assignments to review budgets with individual functional leaders in the next... week 3, week 4 of October.”

“Just stop by the shop, and let me know,” said Mr. Thorpe.

“We can do that,” Mr. Williams responded.

Mr. Kerry Brugger –Announced an Administrative/Council Retreat scheduled for Saturday, October 27, 2012 at 8:AM

“If there's anything you'd like to see on the Agenda, then please let us know—we'll be putting that together here (hopefully) within the next week or so,” stated Mr. Brugger. “We look forward to seeing everybody!”

Mayor Bill Bean - Said, "To piggyback off of Mr. Paul—the gentleman who won the Chili Cook-Off (the team of Keith's Spice) went to Charleston, West Virginia...he did not win any of the money over there, but he did come in Second Place with the Peoples' Choice Award...and he was real pleased with that...so we did get something out of that by sending him over there."

Expressed appreciation to Council (for setting up), and Mrs. Smith (and her husband) 'for putting that together.' He said, "It was a big success...and I'd like to thank Mr. Fields for participating in the Chili Cook-Off...and of course, Mr. Hess (and his whole family was there participating)...but it was a great time...it really showed what Urbana can do, and it seems like we all had fun...oh, and I would like to thank some of the merchants downtown for participating with their electricity...we had some issues, and we got through it though...a big thanks go out to some of those merchants that allowed us with cookers to use their electricity...so...a good time was had by all!"

Council President Hess –

Agreed with Mayor Bean regarding the Chili Cook-Off; Noted the electrical problems that can now be fixed

"It was an amazing event—it was wall-to-wall people—you couldn't see the other side of the street! Everybody should be proud it happened, and can't wait until next year...it will be bigger and better!" he stated.

Asked about the Water Survey in the 4<sup>th</sup> Ward

Mr. Brugger said, "It's coming along well—we had an internal work session (I think it was last week)—we met with Floyd Browne, and we talked with them yesterday...they are pulling their information, finalizing it...and we are anticipating having a trial run (if you will) at the end of this month...internally with the staff, just to make sure we've got all the questions that we need to get answered...so we anticipate sometime (probably early next month) having a presentation scheduled for Council...so as soon as that becomes a little firmer, we'll schedule that."

## **Adjournment**

Mr. Thorpe moved to adjourn the UCC Regular Session at 7:29PM; Mr. Lokai seconded. All were in favor of adjournment.

