

**URBANA CITY COUNCIL  
REGULAR SESSION MINUTES – OCTOBER 23, 2012**

**Council President Marty Hess** called the Urbana City Council Regular Session Meeting of Tuesday, October 23, 2012, to order at 7:00PM in Court Chambers / The Municipal Building.

Attendance – All Council Members were present with the exception of Mr. Larry Lokai  
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; Fire Chief Mark Keller; and Mr. Robert Munch

**Roll Call and Pledge of Allegiance**

**Approval of Minutes**

Mr. Robert Thorpe moved to approve the UCC Public Hearing Minutes and Regular Session Minutes of October 9, 2012; Mr. Eugene Fields seconded. Motion carried without objection.

Discussion –

As a follow up to Mr. Thorpe’s remark at the October 9, 2012 UCC Regular Session, Mr. Doug Hoffman commented, “Gail can read.”

**Communications**

Mr. Thorpe moved to place the LUC Regional Planning Commission Meeting Minutes (October 11, 2012) on file; Mr. Dwight Paul seconded. Motion carried without objection.

Discussion –

Council President Hess asked, “How are we doing with the LUC tonight? Can I ask that question? Are we still using them? Are they still working on the Comprehensive Plan? Did they give up on that? Does anybody know anything?”

“About 2 years ago we trashed it,” replied Mr. Thorpe.

“Totally?” asked Council President Hess.

“I really don’t know why you’d want one, since you’ve got one that’s up there in the office (1974 and 1991 or 1992), and they both read the same except for the date on the front,” Mr. Thorpe said.

“I agree,” said Council President Hess.

**Administrative Reports – Board of Control**

1.

Mr. Fields moved to authorize a purchase order to Scott Litton Construction Co. Inc. in the amount of \$8,475 for the repair/replacement of concrete in front of the Market St. City Building entrance, and Fire Div. ramps (This will be charged to Capital Improvement, and is not in the 2012 Budget); Mr. Paul seconded. Motion carried without objection.

Discussion –

Mr. Kerry Brugger explained:

“If—you’ve noticed along the north side of the Municipal Building in front of the fire bays, down along the Box 13 building, there’s a lot of spall and broken concrete...they’ve done patching over the past couple years, but the patching is starting to fail...”

He noted Mr. Mike Heintz has reviewed the situation, and has pointed to the areas that the City should improve (See mapping on file).

“It’s just a matter of catch up from a lot of years of deferred maintenance,” stated Mr. Brugger. “We had 3 quotes, and I think they ranged from \$8,400 up to around \$17,000...so this is a considerably less amount than what we expected to spend. We expect to get quality work, and have this done here before the weather turns to...”

“The steps going down will be cement?” asked Mr. Thorpe.

“Yes,” replied Mr. Brugger.

Mr. Hoffman noted the item as ‘not in the Budget,’ and questioned how this will be paid for.

“This will be paid for out of the Capital Improvement Fund—that’s currently on-hand balance—there’s money available for this,” answered Mr. Lee Williams.

Mr. Hoffman noted the awarded quote as roughly half of the other two quotes, and he asked Mr. Brugger if this contractor has done work for the City previously.

“Yeah—they’ve done a lot of work for us over the years in the city—unfortunately, never quite have made the cut in the last 3 or 4 years on the regular flatwork bid,” said Mr. Brugger. “They’ve done a lot of work in town.”

“So they’re going to do good work at half the price then?” asked Mr. Hoffman.

“Right,” Mr. Brugger confirmed.

“Now on that—up there where we have the handicapped ramp—are they going to do anything...like that area, or will you go to the corner to come up?” asked Mr. Fields.

Mr. Brugger responded, “Mainly—we’re starting basically straight out these doors, and then eastward...there’s nothing planned, moving to the west at this point.”

Mr. Al Evans sought further explanation of the project as far as square footage noted on each of the (3) quotations. Mr. Evans pointed to differing numbers on the other (2) bids, and questioned whether there is greater square footage listed on those.

“Well (what I know is) Mike sends out a template, and everybody bids to the template,” said Mr. Brugger. “As far as me going through and lining those up section-by-section, I didn’t do that...but Mike and Tyler did, so he feels very comfortable with Scott Litton’s quote...so...I didn’t double check Mike for his accuracy...I’m confident he got it covered.”

“I’m trying to add up to see if it’s the same amount of square footage,” said Mr. Evans. Do you know what I’m talking about?”

“I see where you’re at,” Mr. Brugger replied.

“I can match up the 613 square feet, and you can match up the 728 square feet...but I don’t see the 288 square feet...” said Mr. Evans, looking further. “Okay, I figured it out. I’ve got it. I see it. It’s just presented...”

“It’s just the way he laid it out,” said Mr. Brugger.

Mrs. Virginia Smith asked, “Are they from around here?”

Mr. Brugger answered, “Yes—they’re local—been local for 50 years/60 years.”

“I never heard of them, that’s why...okay,” said Mrs. Smith.

2.

Mr. Thorpe moved to authorize a purchase order to ONTA Communications, LLC, in the amount of \$20,000 for the upgrade of the radio system used by Water, Sewer, Street, Parks, and Cemetery (This upgrade is required to be completed by January 1, 2013, in order to comply with the FCC narrow banding mandate to operate on a 12kHz frequency by this date. This upgrade is included in the 2012 Budget); Mr. Fields seconded. Motion carried without objection.

Discussion -

Mr. Doug Crabill explained:

“As mentioned in the write-up, there’s a government mandate (FCC mandate) to narrow band our radio system (the Public Works uses)—actually the Police and Fire, they’ve just completed their narrow banding process...but basically, because most of the Public Works radios are so old...we’re finding that we’re having to replace a large number of them...compared to Police and Fire that’s kind of in the habit of replacing their equipment. As of January 1, 2013, we have to be in compliance with this FCC mandate as to go from 25kHz to 12.5kHz...the whole idea is that the FCC is running out of airwave space, and so they’re requiring this...and so our system is affected by it. I believe—last year we updated our lined license to be in compliance with this mandate, and now we’ve actually got to update the equipment.

The vendor is—a vendor that the Police and Fire work with (also the County Engineer, and the County Dispatch Center), so that’s who we went to. The majority of the cost is—I think—this is Cemetery, Parks, Sewer, Water, and Street...all for basically either reprogramming / replacing all their radio equipment (including the base station). The only thing we don’t know yet...and right now the quotes I have total around \$16,000, but we’re looking at installing a repeater...but we don’t have the cost together for that yet, because we’re trying to figure out where it would be located...and how we’re going to mount an antenna for it (and where)...but we wanted to go ahead, and get things rolling as far as getting all of the radios ordered (and all of that).

We’re using Kenwood Radios (which are available on state contract)...he actually priced a different brand...and the Kenwood Radio (according to the Police Dept.) has been a better radio for them to use versus the other one. Overall, I think we’ve got a good package we’ve put together...and we’ll hopefully get everything done before the end of the year...and this vendor has explained that once we get the order in, we should be able to meet the timeline.”

Council President Hess asked Mr. Fields if he had any questions.

“You kind of answered my question—why we didn’t bid it—you said the Police Dept. was happy, and the Fire Dept. was happy,” said Mr. Fields.

“...and Public Works has bought radios before...they bought them from this vendor, so...plus the radios themselves being available on state contract, so...the actual labor cost to do the installation is minor in comparison to the cost of the equipment,” stated Mr. Crabill.

Mr. Paul discussed the assumption that the equipment gets ‘beat up pretty fast,’ and questioned whether there is a warranty.

Mr. Crabill indicated that Kenwood has a 2 year warranty, but also said radios in the Police Dept. have lasted many more years.

“That’s with police use where they really do get beat up (it’s a portable radio)—these are mainly stationary units that are in trucks and backhoes...and the bobcat...things like that... they’ll be around awhile,” said Mr. Crabill.

Mrs. Smith asked, “What do we do with the old radios then?”

Mr. Crabill said, “Most of them will be obsolete—I think the ones we’re replacing will be obsolete—a percentage of them are able to be reprogrammed, and reused...current radios will just be reprogrammed, that can be reprogrammed...but some of them are so old that they need to be replaced.”

Mr. Thorpe asked, "They're the same brand of radio as Police and Fire?"

"Yes," said Mr. Crabill.

"We're not going to run into a walk over type thing? We'll have different frequencies (I assume)...but will you be able to...let's say you're with the Street Dept. and you have to call into the office here to get a hold of the Fire Dept.?...or can you call direct to that?" asked Mr. Thorpe.

"I don't think they connect right now...I don't think that it's set up to do that...they actually each have their own frequency...the Police have their own frequency, Fire, and then Public Works, is my understanding..." Mr. Crabill replied.

"But they can't flip the switch?" asked Mr. Thorpe.

Mr. Crabill said, "I don't believe so."

Mr. Robert Munch stated, "The Police—they can flip a switch, and monitor any of the channels—we (and I don't believe the Fire) have that capability. We'll have 2 channels—one that everybody will be operating on, and then there will be another 'busy' channel (if you will) that we can switch over when doing road control, traffic control, things like that...so that we're not taking up the whole air space...but as far as contacting the Police via our radios, that will not be possible."

"But you will have 2 channels?" asked Mr. Thorpe.

"We will have 2 channels," Mr. Munch verified. "Just to be clear (with those 2 channels)—one will be the main channel, and the other will be the high traffic channel for constant talking back and forth."

"Roughly—how many units will that be?" asked Mr. Hoffman.

Mr. Crabill said, "I want to say there's about 35 total radios that are believed new, and then there's (I don't know remember the exact number), but there's a number to reprogram...and then the other thing they're going to do as part of this...they'll do all the installation of the new radios, but they'll also go back to the ones that we're keeping...and basically make sure all the wiring is in good shape...and everything's good to go...so when we're all done we'll have a pretty well upgraded system."

"So what's the estimated lifespan on this upgrade?" asked Mr. Hoffman.

Mr. Munch answered, "30 years."

"So it's a long time," said Mr. Hoffman.

"Yeah—the radios we have now are ancient...I mean, not all of them...we replaced some of them, but some of them burned out...and become bookends..." said Mr. Munch.

Mr. Crabill added, "If you've been following this at all (like what they've done in Clark County)...they've gone to like a digital system (instead of...kind of like...the old fashioned way)...and our radio guy did tell us that, at some point there may be a switch over to digital...but he's saying that could be 10 years out, but the cost of digital at this point is...way high! Clark County...they actually went to...what they call a mark system, which is an Ohio radio system that's state-of-the-art...but it's at a substantial cost compared to just doing a simple upgrade like this."

"What's the rough order of magnitude to go digital (if you know—you may not)?" asked Mr. Hoffman.

"Six figures," Mr. Brugger responded.

"Yeah, it was in the six figures in Clark County..." said Mr. Crabill, explaining the particulars.

Mr. Hoffman expressed some concern regarding an additional (larger) expense occurring within a short period of time if the City has to move to digital.

Mr. Crabill assured Mr. Hoffman that with information received from 'our radio guy, it's at least a decade away.'

Council President Hess asked, "What's the range of these without a repeater?"

"The way I understand it now—is there—is not a repeater now, and depending upon where you are in town...the signal can be difficult to pick up...I know especially like at the Waste Water Plant...that's one reason we're studying the repeater to try to figure out where the best placement would be, and the height that we need to get a good signal," stated Mr. Crabill.

Mr. Munch added, "It's a hit and miss as to how far a radio signal goes..."

"The school's running a repeater on buses (that's why I asked)...a repeater's fairly expensive," said Council President Hess.

"There's also going to be a location issue, because we won't be able to put it on the east tower...the Police repeater's there...we won't be able to put it on the Gwynne St. tower, because Nextel has their stuff up there, so where it's going to go may dictate even having one," stated Mr. Munch.

3.

Mr. Thorpe moved to authorize a purchase order to the Treasurer, State of Ohio, in the amount of \$11,000 for detailed plan approval for Phase 1 Water Main Replacement Project (This will be charged to the Water Division, and is not in the 2012 Budget. Note: At this point in time, plans must be submitted in early November; however, this date may change, and this fee would not be required until early 2013); Mr. Hoffman seconded. Motion carried with 1 vote 'Against' by Mr. Thorpe.

Discussion –

Mr. Munch addressed Council:

"As you know—we're moving ahead with Phase 1 Water Line Replacement in the Court St., Church St., Ward, Wooddale areas (pretty much as we've discussed on many occasions)...part of that plan was to be submitted in the beginning of 2013 (which is the plan approval--which would be the equivalent of a permit to install), and is basically having the EPA look over the plans, and making their blessing of the plans...or saying, 'This needs to be changed, or this needs to be changed'....and that's all we're getting out of it.

The fee is based upon a percentage of the cost of the project. At the present time—we are aiming for submitting these plans November 9<sup>th</sup>—that is a moving target (it may be later...if it's later it could be 2013, it could be January, March...anyway, we're asking for the permission to spend it..."

"Was this originally going to be in the Budget next year?" asked Mr. Hoffman.

"Yes," replied Mr. Munch.

Mr. Williams said, "Yes—if it's not spent this year, it will be in the plan for next year. What Mr. Munch is doing is protecting himself in case there's a release of funding to get it appropriated ahead of time."

"These fees are unfortunate..." Mr. Hoffman said.

Mr. Thorpe stated, "The reading is—it says we're paying the State of Ohio the amount of \$11,000 for detailed plan approval—you've already had the plans, we've got 2 engineers in our department up here...we don't need these people!"

“I’m sorry—that’s the law,” said Mr. Munch.

Mr. Thorpe said, “I understand—but this is what the problem is today in the United States! We’ve got too many people sitting on their butts somewhere—not doing anything! There’s \$11,000 spent—for a plan approval?...”

“I understand your...feelings,” Mr. Munch replied.

Mrs. Smith and Mr. Paul had no remarks.

Mr. Evans said, “I could never top that!”

Mr. Fields added, “Well said.”

“I could say a lot—I’ve been here a long time—I’ve seen a lot of this....anyway!”

Council President Hess commented.

Vote taken—Mr. Thorpe voted ‘Against.’

“Mr. Thorpe voted against that—doesn’t have any choice, but that’s okay,” said Council President Hess.

“You’ll be getting a call in the morning,” Mr. Evans said (to Mr. Thorpe).

Mr. Thorpe recited his telephone number as, “206-1555, give me call!”

Brief explanation of FOOTNOTE provided by Mr. Munch:

“The beginning of September—a issue arose with Well #10—and it ceased to function (while I was on vacation). My staff opted to take it out of service, and run the additional wells until I returned. Upon my return—we investigated Well #10, and found that the electrical main connections had basically been burned to a crisp! Hiring an electrician—it was discovered that wires had either been loose, or some animal had made a home in it...and caused arcing, which caused the motor to single phase...and in a three phase motor, single phase is not a good thing!

After replacing the circuit boxes, and spending \$3,000 on an electrician—we then moved on to find that the motor didn’t work after that...so I had the motor pulled, and checked...and it’s going to cost \$3,100 to rebuild the motor, or \$3,600 to buy a new one. I’ve opted to spend the extra \$500., and get a new one...so basically (what we’re looking at) is something in the realm of ten grand altogether for this thing...however (the good news) is we have turned it into our insurance...and it will probably pay at least a portion of that. It might be...not quite our deductible, but a little bit more for the wear and tear type stuff. It’s not considered an act of God, it’s just considered an...incident...so basically, we just don’t know how much it’s going to be yet...”

“...and this was an emergency repair, so...this is just to let you guys know what happened,” said Council President Hess.

### **Citizen Comments**

Mr. Dick Myers (123 Union St., Urbana) said, “Just wondering about the water in the 4<sup>th</sup> Ward—what’s become of that?”

Mr. Brugger replied, “We are anticipating the having final...preliminary final next week. We’re going to schedule the Work Session (I talked to Mr. Hess), November 20<sup>th</sup>—the 3<sup>rd</sup> Tuesday...to have the final presentation here at Council, so that is coming down the road right now.”

“No other meetings?” asked Mr. Myers.

“Well, we’ll have a public hearing/public meeting—we’ll start off with the Work Session, and you’re welcome to come!” Mr. Brugger responded. “If everybody can fit in here—or we’ll go somewhere else. We get everybody together.”

“Okay, that’s fine,” said Mr. Myers.

Council President Hess said, “Mr. Myers—did I understand you...well, I guess back when we started this, they thought that some people might be asked questions...and I don’t know if you got...”

“No—I’ve never been contacted, and I don’t know if anybody else has been contacted...but no contact has been (to my knowledge),” said Mr. Myers. “I thought that they were supposed to contact some of the 4<sup>th</sup> Ward, have some meetings and discussion...and nothing!”

“That’s what I thought you were asking when you...” Council President Hess began.

“Right,” said Mr. Myers.

“I just wanted to clarify that,” Council President Hess said.

### **Ordinances and Resolutions**

#### **Third Reading –**

#### **ORDINANCE NO. 4387**

Mr. Thorpe moved to place Ordinance No. 4387 on the business floor for discussion and passage; Mr. Fields seconded.

No discussion/questions.

Roll call vote to approve: Mr. Fields, yes; Mr. Evans, yes; Mr. Paul, yes; Mrs. Smith, yes; Mr. Thorpe, yes; Mr. Hoffman, yes (6-0)

There were no Second Readings, or First Readings, at this Meeting.

### **Miscellaneous Business**

Mr. Thorpe moved to excuse Mr. Larry Lokai from this Meeting; Mr. Fields seconded.

Motion carried without objection.

Mr. Fields - Noted the soil (building) walls are up at the Cemetery; Also commented that the Fire Chief ‘has a nice truck’

Mr. Evans - Said, “Whether you’re a Republican or Democrat, Independent, Green Party, or Libertarian (whatever your pedigree)—we’re coming up on probably one of the most important elections (at least in my lifetime)... there are some very important issues that need to be resolved, and I urge everyone to get out and vote!”

Mr. Paul - Nothing at this time

Mrs. Smith - Nothing at this time

Mr. Thorpe - Nothing at this time

Mr. Hoffman - Nothing at this time

Mr. Munch - Nothing at this time

Mr. Crabill - Announced Phoenix Dr. rubbleization will begin 10-24-12 in the morning (1 day), with a follow behind of the base material, a base course of asphalt, and a final course. He said that depending on the weather, the base course may go down, but the final course may not be until Spring. The hope is to be done by Nov. 10 (weather permitting). A letter was sent to the businesses on the street; traffic will be maintained. The biggest change (after the project’s done) is that the street will be a ‘No Parking’ street (there will no longer be dropped trailers on the street/ semis parked overnight.

Recycling Bins -- Noted numbers of people requested the 64 gallon cart, and calling Waste Mgmt.

Noted issues are being worked through, and some people weren't given the right information when they called; Said he tested calling it himself, and 'it seems to be working now'

Said, "As far as the old 18 gallon bin (in talking with the Utility Office), they would actually prefer that people just hold onto their old bins...the bins were assigned to each address originally, so if you get the 64 gallon cart, we are just asking you to hold onto the bin...and keep it at the address...that way (if you leave), it's there for the next person."

Noted, "Last night we had our Fair Housing Training with the Planning Commission (and then earlier in the month we had the training with BZA, and back in July we had Council Training for Fair Housing), so the next step is to work on our Fair Housing Ordinance...and I'd like to try to start on that sometime in mid-November...so anybody that's interested in helping with that...Council Members...community...I'd be glad to get the input, and not be alone in that...putting it together."

Fire Chief Keller –Nothing at this time

Mr. Williams - Began, "Appropriation Budget reviews..."

"May I just say something? Before you speak, Mr. Williams—please think about what you're going to say," said Mr. Thorpe.

"That was interesting—okay—let's start over... Appropriation Budget Reviews...we'll start them tomorrow...hopefully we'll commence a week from Friday...that gives us a week and a half. I'll meet with all of you individually, and schedule times...and I think, Mr. Hoffman, I still need to get a schedule for you and I to meet for the functional areas that you have...so we'll go from there. Hopefully, by the end of next week we'll be complete. Thank you," Mr. Williams stated.

Mr. Brugger - Announced the leaf collection will begin Monday, October 29; said 'No sticks or branches...try keep everything loose.'

Said, "Tomorrow we will finalize and try to get the Agenda out for Saturday (October 27 – Retreat – 8:00AM until 11:30/Noon)."

He noted as inclusive topics: Police, Fire, Airport (Update), Parks & Recreation, Financial Discussion (The Budget), 2013 Highlights

Mayor Bill Bean – Nothing at this time

Council President Hess –

Said, "I had a gentleman stop and see me right before I came tonight—who had to extend a water line once/sewer line into the house (that didn't have service), and he ended up paying for that...is that something...does he own that?...because he was told at the time that if anybody (beyond him) hooks in, and he's...eligible for some money...is that true? This has been...10 years ago he extended it."

Mr. Munch requested Council President Hess to contact him 'tomorrow to go over the details.' Mr. Munch said he wanted to know the 'who, what, when, and where.'

Council President Hess said, “Okay—but if I lived at the edge of town, and have to extend my water and sewer line out...and...I have to pay for it, so does that become mine (in case anybody) extends the city limits and goes out farther...or...that’s what he asked.” “No—no...call me tomorrow,” said Mr. Munch.

Mentioned the Council Holiday Schedule; Asked Council opinion by Nov. 6

Noted Regular Sessions (Nov.) as November 13 & 27, with an Administrative Work Session now scheduled for Nov. 20  
December Regular Sessions were suggested as December 4 & 18  
“...then if there’s a Work Session, we could have it on the 11<sup>th</sup>,”  
Mr. Thorpe added.

“Another gentleman called about the wind turbines, and wanted to know how our progress was on that,” said Council President Hess.  
“Where are we on those?”

Mr. Brugger said, “We’ve filed as an intervenor—that’s where we are. We going to have a hearing Thursday night at Triad (I believe it’s around 6:00), and then they’ll have a hearing in Columbus in early November.”

**Adjournment**

Mr. Thorpe moved to adjourn the UCC Regular Session at 7:40PM; Mr. Fields seconded. All were in favor of adjournment.

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Council Clerk

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Council President

