

URBANA CITY COUNCIL
REGULAR SESSION MINUTES – FEBRUARY 12, 2013

Council President Marty Hess called the Urbana City Council Regular Session Meeting of Tuesday, February 12, 2013, to order at 7:02PM in Court Chambers / The Municipal Building. This Meeting followed a Public Hearing, and brief break.

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; Fire Chief Mark Keller; Police Chief Matt Lingrell; Mr. Robert Munch

Media present – *The Urbana Citizen*, *The Springfield News-Sun*, and *WPKO Radio*.

Roll Call and Pledge of Allegiance

Mr. Dwight Paul reminded Council to speak directly into the microphones (loudly & clearly).

Brief Presentation

Mr. Gary Ledford (representative of the Champaign Transit System) addressed Council with an overview/ update of the Champaign Transit System.

He made reference to a color coded map (City and County breakdown) he presented, and noted previously approaching Mr. Bruce Evilsizor regarding assistance from the City in regard to funding.

He pointed to the rides time period from May 1, 2012 to January 31, 2013, and the numbers of riders during that time frame (See Handout).

“Actually, I’m just here to see in the future if the City would have any way to help with the funding on the Transit...and if you had any questions about anything,” Mr. Ledford said.

Mr. Doug Hoffman said, “No questions—maybe just a quick comment, in doing some research here...of 25,000 rides it seems that about 90% of it is coming from the city (folks that live in the city)...I think it’s a good service to the citizens...I don’t know if we can do anything...help find grants or funding, but I’d be all for supporting something like that.”

Mr. Larry Lokai cited the importance of this service supplied to the residents, and noted there is no other public transportation.

He said, “It would be a shame to see it go away...I think if the City can find some way of assisting, in one way or another...of getting some funds to help keep that going, and basically serve our residents...that’s something that we need to take a long, hard look at (maybe by next Fall)...”

“I know I applied for the CDBG Grant last year, and they said something about...I didn’t have anything new in there...well actually I’m just trying to maintain, as opposed to coming up with something new...we’re just trying to maintain a service...” Mr. Ledford stated.

Mr. Paul asked Mr. Ledford what the different colors meant on the mapping.

“Those are how I broke the city down...the different areas,” answered Mr. Ledford.

Mr. Al Evans asked, “Is ridership up?”

“Pretty steady right now...miles are down, but ridership’s about the same (more people in the same area on the bus at one time)...so it’s pretty steady,” Mr. Ledford replied. “I will tell you--when the veterans increased their funding to us, the ridership was really up.”

Council President Hess said, “Sometime between now and possibly this Fall—maybe we’ll have a Work Session...we’ll invite you over, and you can explain in a little more detail.”

“Absolutely,” said Mr. Ledford.

Mr. Evans said, “Now—Gary, do I understand that you have a program where...if a citizen would want to sponsor (or pay for) someone’s trips in advance...do you have a way to...?”

Mr. Ledford responded, “Yes! We have a token...you can buy tokens for those, and we have a lot at Christmas time...people come in and buy tokens...they’re \$1. a piece, and they represent \$1. for the ride...and we sell them in bundles of 20.”

“So if you had somebody in your neighborhood that you would want to sponsor—you could come down to your office,” Mr. Evans said.

“Absolutely—or if someone’s in a nursing home—there’s a lot of that,” said Mr. Ledford.

Approval of Minutes

Mr. Lokai moved to approve the UCC Regular Session Minutes of January 22, 2013; Mr. Paul seconded. Motion carried without objection.

Communications

1. Mr. Lokai moved to place the LUC Regional Planning Commission Executive Committee Meeting Minutes (Jan. 10, 2013) on file; Mr. Evans seconded. Motion carried without objection.
2. Mr. Robert Thorpe moved to place the City of Urbana Planning Commission Minutes (Nov. 26 & Dec. 17, 2012) on file; Mr. Eugene Fields seconded. Motion carried without objection.
3. Mr. Evans moved to place the Financial Report for the Champaign Countywide Public Safety Communications Center of Governments (2012) and Operations Report on file; Mr. Lokai seconded. Motion carried without objection.
Discussion – Mr. Evans clarified that this is the ‘911 Center’
4. Mr. Paul moved to place the “City of Urbana 2012 Year in Review” on file; Mr. Fields seconded. Motion carried without objection.
Discussion – Mr. Paul said this communication is ‘a fantastic idea, and a nice synopsis.’ He asked Mr. Kerry Brugger if this will be posted on the City website; Mr. Brugger announced it would be posted ‘on Thursday.’
5. Mr. Paul moved to place the Administrative Memorandum (Feb. 7, 2013) to Council regarding Water Rate Increase/ Increase in Non-Courtesy Shutoff Fee on file; Mr. Lokai seconded. Motion carried without objection.
Discussion –
Mr. Paul said, “So basically, we’re looking at this increase as roughly about \$3. a month on average? \$.65 a unit—correct—which is 748 gallons per month...and I think (if I read this correctly) the idea is...I think we had talked about this before...is to try to get us ahead a little bit of our maintenance?”
Mr. Lee Williams answered, “Correct.”
“...and this is coming to us in the form of a Resolution, or Ordinance...no?” asked Council President Hess.
“Not the water rates,” said Mr. Williams.

“So what do we do—we have a non-courtesy shutoff (which is obviously something you’re going to bill)—how do we go about recovering that, and how often are we successful?” asked Mr. Paul.

Mr. Robert Munch came forward saying, “We have approximately 200-250 residences (businesses among them) who are late—of those, we have approximately 25-30 who actually will not pay until we go and shut them off. We will not turn them back on, until it’s paid. Once the water’s off—it’s off...”

Mr. Thorpe asked, “In case of a rental then...Bob...it’s up to the landowner?”

Mr. Munch replied, “They’re both notified, and either can pay the delinquent amount...we do not come in between a landlord and a renter...or act in agent to either, so both are notified...and whoever regularly pays the bill...it isn’t up to us, as long as the amount is paid by either side...actually anybody can pay anybody’s bill (we don’t mind).”

Mr. Thorpe said, “The renter moved out...it goes back to the landowner...”

“It goes back to the landowner,” Mr. Munch verified.

“You don’t notify the manager?” asked Mr. Thorpe.

“Of which—you lost me,” said Mr. Munch.

Mr. Thorpe said, “You don’t notify the landowner—that their bill is delinquent—you just shut the water off? They knew the renter moved out, but they still come up and tell you that their bill’s delinquent...and it has been mailed to the resident, and the landowner has not picked it up...I’m still looking at that \$50. shutoff fee. Are you going to charge that, or can he bring it up, and pay it up to date?”

“Anybody (who can) translate that for me? Because I’m not sure what he’s asking,” said Mr. Munch.

Mr. Paul asked, “Well, I think the first question is—okay—how far in arrears do you have to be before you shut off?”

“2 months,” replied Mr. Munch.

“Okay, so they have to be out 60 days—hopefully, the landlord’s going to know enough to get the mail in that time (I hope),” said Mr. Paul.

Mr. Munch added, “...and all landlords can tell Utility Billing...the Water Dept. Utility Billing...that they want to be notified of delinquent bills, and they want to receive a copy of it.”

Mrs. Virginia Smith asked, “What’s the fee to have it turned back on, once you guys shut it off?”

Mr. Munch said, “That is the turn-on/turn-off fee...and it is non-courtesy.

Courtesy is nothing. You can go away for 6 weeks vacation...ask that your water be shut off, and turn it on...and turn it off, for absolutely nothing. It is non-courtesy...in other words, it’s a polite way of saying you didn’t pay your bill.”

Mr. Hoffman stated, “I just want to assure people that this rate increase isn’t going to result in someone getting a pay raise...it is for maintenance, and I think it’s an insurance policy (really)...I know we’ve talked several times about some of the things we’ve put off, because we haven’t had the money to do it...and we all know when we do that it becomes a really big expense (if we let it go)...I know it’s going to hurt...I’m not excited to pay extra on my water bill, but in the long term it’s the right thing to do!”

Mr. Lokai said, “Believe it or not—a person that owns the property is ultimately responsible—I don’t care what kind of rules or regulations, if you own a house or building...you need to make sure your tenant pays it, or you are liable...so I think that’s...as long as everybody’s understanding that.”

He pointed to some renters (who are not good renters), and ‘stick you with the bill.’

Mr. Evans stated, “We’ve talked about this for nearly a year—we all know that the infrastructure for our water system is suspect (I live in an area where it’s—extremely suspect)...this is something that (I don’t want to say is long overdue), but we do need to get out in front of this a little bit...as Doug said, and get ahead of the game...and once we get a little bit ahead, maybe we can catch up.”

“We’re just being proactive,” said Mr. Fields.

Council President Hess added, “...and I would venture to guess that we’re still in the bottom third as far as cost goes...because for 25 years...we do a survey (when we raise the rates), and we’re still in the bottom third, so...”

Mr. Munch responded:

“Yyyyes—this increase will go on 2013’s Annual Survey...2012’s was based on 2011’s report, and the way they do it is they take rates of cities on March 1st...and then report it in the middle of next April...so...now comparing what we were with this increase to last year numbers doesn’t really tell us a lot...because everybody else raises their rates as well. I can tell you that we were 25th out of 66 last year...and we were in the bottom 37th percentile.”

“So—we’re still, as a city—lower than 63% of the other cities of comparable size?” asked Council President Hess.

“Not necessarily comparable size,” said Mr. Munch. “This is just southwest Ohio—they don’t actually do anything for comparable size areas or statewide. AWWA does do a survey every couple years, and it costs a couple hundred dollars to get...”

“Can you tell us what the highest is, and the lowest?” asked Mr. Fields.

“Okay—the lowest city?” Mr. Munch asked.

“The lowest—cost of water in the southwest, and the highest,” Mr. Fields clarified.

“This is based on the cost of 300 cubic feet in a 3 month period—to wit, we will charge over a 3 month period for 1,200 cubic feet, so that already places us higher than per unit cost...however the highest per 3 month period of 300 cubic feet for just water is \$185.04, and the lowest is \$54.71,” said Mr. Munch.

Mr. Paul said, “Do the math for me! Because I didn’t come anywhere near that number! So over 3 months—you’re talking...”

“Each participating jurisdiction is calculated for effective water cost using the base consumption of either 22,500 gallons or 300 cubic feet over a 3 month period of time,” replied Mr. Munch.

“Okay—that was the piece I missed,” Mr. Paul said. “Okay—thank you.”

Mr. Thorpe asked, “Do we have a base rate?”

“The base rate is \$4.25 a unit,” answered Mr. Munch.

“For 3 months?” asked Mr. Thorpe.

“Per month, per unit,” said Mr. Munch.

Mr. Thorpe asked, “I have a house for sale—would I be better to shut the water off, and will I have a \$50. recharge?”

“No—that would be courtesy—unless you decided not to pay your current bill,” replied Mr. Munch. “However—it’s easier to sell a house with the water on than with the water off. I know (personally) I wouldn’t buy a house if I couldn’t check the water pressure before I buy it. From a cost charge—yeah, it would be better to turn the water off...”

“You’ll save 12 bucks a month,” added Council President Hess.

“Yeah—saving basically 12 bucks a month, yeah,” Mr. Munch agreed.

“Well, some of these homes that have been around town...have been on the market quite awhile,” said Mr. Thorpe.

Mr. Munch noted that when he looks for a house and the water is shut off, he basically does not wish to look at the house anymore.

“So while they were saving a couple bucks to sell the house—some of them are still sitting empty,” said Mr. Munch.

Council President Hess said, “If you need help, Mr. Thorpe, let me know—we’ll take up a collection...how’s that?”

He added, “We talked about raising the rates every year, and I think it’s probably a good idea...because our costs go up every year. That’s all—we should’ve been doing this for a long time...I’m glad we’re doing it again already...get it out of the way, and do it!”

Mr. Brugger commented:

“On infrastructure—this money (just to clarify) is in the Enterprise Fund, so it isn’t co-mingled with any other department...because of our infrastructure situation...we were talking just the other day...we’re averaging about 2 leaks (water digs) every week since the first of the year...so we’ve had about 12-13 digs just since the first of the year. There’s a couple that we are aware of that are going to be needing to be dug (we just can’t dig them for a lot of reasons)...and then when people hear of a dig, they think you’re going to dig down and be done in 3 or 4 hours...that’s not necessarily the case! Some of these digs last 3, 4, 5 days...you open it up, figure it out (okay—what is it?)...it may take several days to get something completed, so...a dig isn’t always a dig...sometimes they’re prolonged, so just a point of clarification.”

6. Mr. Fields moved to place the 2012 Annual Report of the Champaign County Municipal Court (Urbana, OH) on file; Mr. Lokai seconded. Motion carried without objection.

Discussion –

Mr. Fields said the report was informative.

Administrative Reports – Board of Control

1. Mr. Paul moved to authorize a purchase order to Kennedy, Cottrell, Richards, LLC., in the amount of \$11,750 for each of the Fiscal Years 2013, 2014, and 2015, for the compiling of the annual financial statements (This will be charged to Non-Departmental expense, represents a \$750. reduction (6%) per year, and is in the 2013 Budget); Mr. Fields seconded. Motion carried without objection.

Discussion –

Mr. Williams said:

“We took advantage of a lull in activity here, and we got a pretty good (favorable) rate quote from them...so instead of waiting until later in the year to put this in motion for 2013, '14, and '15...I put this on the Board of Control tonight to get it passed...I didn't want to wait too much longer...and with this little softer economy over our shoulder we got a pretty good rate...thus the reason for putting it out there tonight...this is for '13, '14, and '15...'12 they've already started on...they've done it for us for the last 6 years...this is just a renewal (they do it in 3 year increments)...and we lock in, and we don't have the rate increase the next two.”

Mr. Fields said, “Thanks for saving us money.”

Mr. Lokai added, “It's necessary to have this done—save 6% (in the meantime we save money)—move forward with it!”

2. Mr. Lokai moved to authorize a purchase order to Dayton Power & Light in the amount of \$26,960 for the relocation of primary metering facilities for the Waste Water Treatment Plant upgrade (This expense will be charged to WWTP Capital, and is not in the 2013 Budget –funding will come from the carry-over balance); Mr. Thorpe seconded. Motion carried without objection.

Discussion –

Mr. Chad Hall explained:

“There is a primary electric feed that runs through the Waste Water Plant property, that feeds the Urbana Materials quarry (their main feed lines)...must've been installed somewhere back in the 80s (I'm guessing), or 90s...and this electric has to be moved for the plant project to be placed on our existing property.

This expenditure could've been placed into the construction loan, but after further discussion with the Administration we felt that (you know) we're just going to increase a higher cost if the contractor does it...adding their percentages to it. There will be another p.o., because this is only Dayton Power & Light's portion of it...so we would have a reconnect from the meter drop going back to the current electric pole of Urbana Materials.”

Mr. Fields asked, “We're responsible for having that done?”

“Yeah,” Mr. Hall replied.

“But it's because we're doing the upgrade—right?” asked Mr. Fields.

Mr. Brugger answered, “The lines that have to be moved are right in line with our expansion...so all those overhead lines would have to be dropped, and then we're going to come in at a different angle (or different direction)...and drop the feet for Urbana Material.”

“Are they going to bury these?” asked Mr. Fields.

“No—they will be over head,” replied Mr. Hall.

Mr. Evans sought to clarify, “You said this was Dayton Power & Light's portion of it?”

“That's correct,” said Mr. Hall.

“Any idea what the...?” Mr. Evans began.

“I'm waiting on another quote from the contractor...we're looking at probably \$10,000 as part of the second phase of it,” Mr. Hall responded.

“That's out for bid, or...?” asked Mr. Evans.

“I went out to get quotes—Urbana Materials had initiated this (originally), and they’ve got a price...but now I’m waiting for a second,” said Mr. Hall.

Mr. Lokai noted the monetary savings.

Mr. Hoffman asked for clarification regarding the ‘funding will come from the carry-over balance.’

Mr. Williams said, “That means that funds are on-hand at the end of 2012, will fund this project.”

3. Mr. Lokai moved to authorize a purchase order to CDM/Smith in the amount of \$52,400., a contingency amount for additional design engineering costs for the Waste Water Treatment Plant upgrade (This will be funded entirely by DEFA loan proceeds, and neither the expense nor the funding is in the 2013 Budget); Mr. Paul seconded. Motion carried without objection.

Discussion –

Mr. Hall explained:

“This was an error on my part (back in 2011 possibly or ‘012)—I wrote the purchase req for a million forty-eight-o-twelve, and did not include the contingency from the DEFA loan. DEFA/OWDA automatically adds a 5% contingency into it

(into all those), and the original purchase requisition was a million forty-eight-o-twelve.

As you’ve seen in your packet we have a summary of ...CDM/Smith did incur some additional cost above the million forty-eight-o-twelve with a list of the major project items (in the packet). If I would’ve wrote the purchase req for the additional 5% contingency it wouldn’t have to be here...because it’s already in the loan...so, and that’s the main reason that DEFA puts the contingency in...is (you know) for these unforeseen additional design construction planning expenditures. If anybody has any questions on the summary...some of the items that we incur, additional expenses...”

Mr. Evans said, “What you’re saying is—this is in the loan, because you need a mechanism to move the money.”

“That’s correct,” replied Mr. Hall.

Council President Hess requested the Clerk read the BOC Footnote (*See Board of Control Council File 2013). No one had questions, or comments.

CITIZEN COMMENTS

Mr. John Shutway, greeted Council, the Mayor, and the Administrator—and addressed first regarding the ‘Policies & Procedures Manual of the Police Dept.’

“Mr. King (or Lt. King) actually gave me the most current document that they have—unfortunately of the 30 or so sections, only 3 of them are in this century—actually 1999 was the last revision,” Mr. Shutway stated. “The document out at the Library is still old. He told me that it’s in the goals for this year—to update that manual. I did find out at the Library—there is a...uh...document of the Emergency Management Association here (it’s dated 2004)...so it’s a little more up-to-date, that’s Homeland Security...that’s something to reference by...I’m sure there’s a lot of things that should be in the Police Dept. Manual that are not...public manual...so that’s my update.”

He continued, “I do have another issue...2 weeks ago Friday (that would be the 1st)...” Council President Hess asked Mr. Shutway at this point whether he provided his full name and address.

The Council Clerk said, “No.”

Mr. Shutway provided his name with ‘573 E. Church St.,’ as his address.

Mr. Robert Thorpe asked Mr. Shutway ‘to turn the volume up just a bit, please.’

Mr. Shutway moved the podium, and noted having a recent meeting with key City persons inclusive of Director of Administration, Mr. Kerry Brugger; Attorney Gil Weithman; Police Lt. Seth King; Councilman Robert Thorpe – and himself along with other associated persons—pending investigation of (3) items, and calling for the administrative leave of City Law Director/Attorney Gil Weithman during investigation to the outcome of these items.

The (3) items were noted as: Breach of Responsibility, Breach of Public Trust, and Breach of ‘Conduct Unbecoming a Law Director.’

“So at this point...I would like to meet with the Mayor...at some point...this week...it’s been cancelled right now...I’d like to finish that information up. I just wanted to make the Council Members aware of those things, so you’re not blindsided...I called 4 of the Councilmen already,” said Mr. Shutway. “Mayor—I look forward to meeting with you...I’ll just leave it at that. Do you have any questions for me?”

Mr. Lokai stated, “Just one general comment—according to our Charter, the Mayor is the official person that hires those three people...and he is the only one that can fire, or...from the phone call that I got...basically indicated they’d like for Council to dismiss that person, or...the only thing that we can do as Council, Members is ‘legislate and appropriate’...that has nothing to do with our authority...we can listen, and we can inquire into any department...only the Mayor can handle that particular item. He is the only person that has that authority according to our Charter.”

“...and the notice was to say there was an issue...and I do understand that...all of the people who are hired (or appointed by the Mayor) are at his pleasure...they serve whenever he says...I understand that...it’s not the position of the Council to do that,” replied Mr. Shutway. “Mayor? Kerry? Any questions?”

No questions were raised.

Ordinances and Resolutions

Third Reading –

There were no Third Readings at this Meeting.

Second Reading –

ORDINANCE NO. 4389 (Sign Ordinance)

(* Read and declared a Second Reading)

Discussion –

Mr. Brad Bodenmiller addressed Council:

“Just to reiterate—we had our Public Hearing earlier at 6:45 where citizens were able to give comments...Mr. Gates spoke, and I think he had good points. I agree with him—it’s important that we’re creating laws that are benefitting the city, and not just...you know, we’re just out to police people so...as far as the general conversation, I kind of look forward to talking about that at Work Session.”

Mr. Lokai said, “I just have a general comment—I know that there was discussion at the Public Hearing about policing and Nazis, and all that (well not Nazis, but uh)...but

people monitoring those things...and I guess we need to go back to when we first started talking about this 5 or 6 years ago....anybody that's ever travelled down I-75, there was a section in Tennessee (where you have all these big/large, gaudy signs), and I know 2 places here in Urbana that are not in the city limits that appear to have unlimited signs...and I think what Brad (and everybody else) is trying to do with this Ordinance is have somewhere in between that."

He referred to the Fairfield Mall area where the size/amount of signs makes it difficult to find the businesses.

"It looks like a residential area in some places—what we're trying to do is find some in between," he said, emphasizing the need for rules and regulations/guidelines/provisions.

"I think we need to have some kind of guideline—I don't look at Brad as being a police officer (and walking down, and looking for trouble)—but what we have is a concern."

Mr. Evans stressed the importance of regulations, and the need to revisit/update/tweak to 'fit what we're doing.'

"June 28, 1930 to 2005," said Mr. Lokai.

"...is when the Ordinances were enacted, and actually this is the first time that we've updated them," Mr. Evans added.

"I think we amended it one time before, but this is kind of like...this is somewhere in between what was originally there, and what's more flexible—so I think it's a good..."

Mr. Bodenmiller said.

"Yeah--It's a work in progress—as we find tough spots, we're just trying to smooth them out—correct?" Mr. Evans said.

That's very true—right," said Mr. Bodenmiller.

Mr. Hoffman asked, "What percentage of businesses are violating, or not violating?"

Mr. Bodenmiller answered, "I don't think many people are violating the rules—a lot of people would have non-conformities where (when we passed that in 2004/2005, whenever year that was), if they had something in place that (as long as they don't alter it) they get to keep it. That's the point of grandfathering, or the non-conforming chapter...people that are in there now in terms of violations...if there was a violation, I think it would be a wall sign or temporary sign...to be perfectly honest with you, everyone is more than willing to work through the Planning Commission, or the Zoning Appeals process."

Mr. Hoffman said, "I think the point with me is—there's not a whole bunch of people out there that are having problems with the Sign Ordinance..."

Mr. Bodenmiller pointed to this as a solution that would help to 'eliminate the need for the BZA in most cases.'

Council President Hess told Mr. Hoffman that there are quite a few sign problems that have gone to the BZA in the last 3 years.

"But this should alleviate a lot of them," he added.

Mr. Bodenmiller stressed the importance of business identification, but outlined the problems that have occurred with temporary signs.

Mr. Fields cited the need to work through problems, and said, "The intent is not to put any business owner out of business!"

First Reading –

RESOLUTION NO. 2384 –

A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO APPLY FOR, ACCEPT, AND ENTER INTO A WATER SUPPLY REVOLVING LOAN ACCOUNT ON BEHALF OF THE CITY OF URBANA, OHIO FOR THE CONSTRUCTION OF PHASE 1 WATER MAIN REPLACEMENT PROGRAM AND DESIGNATING A REPAYMENT SOURCE FOR THE LOAN

(*Read and declared a First Reading)

Discussion –

Mr. Doug Crabill said:

“If you recall—Council passed a Resolution a few years ago defining what we call the Phase 1 Water Main Replacement Project, which was essentially E. Court, E. Church, E. Ward (between E. Lawn & Main St.)...”

“All the way to Jefferson,” Mr. Chad Hall added.

Mr. Crabill continued:

“...so on those streets looking at upgrading the water & sewer infrastructure. We had a Resolution before you (just like this one)...also a year ago to apply for this program...we ended up pulling our application sometime late last year, mainly because we have the project...basically figured out what we’re doing, and cost (and all of that), but the unknown was with the sewer project (or the WWTP upgrade going out for bid here soon). We wanted to be able to figure out what those costs were going to be...what the sewer can do simultaneously with the water...so basically, we envisioned one project that will do water and sewer at the same time...tear it up once, put it back nice...so until we knew what WWTP costs were going to be we decided to hold off...so anyway we wanted to put the Water Main Replacement Program back on the list (if you will) with the State...and then that way (once we have the WWTP bids) we’ll know what we can do on the sewer side, and made some decisions at that point...but this just gets the process started. This application’s due March 1st. Council can do a First Reading tonight, but we will request passage on the Second Reading.

If you recall—this also would include Wooddale and Amherst (in that water loop out there)...and altogether (just on the water side) we’re looking at just under \$3mil.

The other part of this—we also would like to look at having a Saturday session, or a third Tuesday to discuss future Capital needs on both the water & sewer side as far as replacements...and what folks were talking about earlier with the change in rates...and in looking at the long term picture...all of the replacements that really need to move forward over time, so...we were looking at April 6th & March 23rd as potential Saturdays, or it could be a Tuesday evening Work Session (we could go that way too).”

Mr. Evans said, “We had a request from a citizen (the last time we raised water rates) to have some kind of a comprehensive program...to kind of make the citizens aware that... what our anticipated rates are going to be...I know that’s not an easy thing to predict...have we made any progress toward that?”

Mr. Brugger replied, “We have done a preliminary—Lee’s done a nice job of putting them altogether—how many years?”

“Fifty,” said Mr. Williams.

Mr. Brugger continued:

“Fifty years—looking at rates, and looking at trying the phase things in...and at such point...what we had talked about was...whether we would want to have a Saturday session (like we had last year—2 or 3 times), or entertain maybe a Work Session (maybe

next month on the third Tuesday), if you want to dedicate a Tuesday night...and just focus on that topic...so we're open for suggestions...if you would prefer an hour and a half or so, Work Session...or if you'd like to put together another Saturday morning within the next 6-8 weeks, and we can kind of map 2 or 3 different entities at the same time (not necessarily just Water)...we can present 2 or 3 other items. Just throwing that on the table for consideration, and maybe at the next meeting we can decide how we want to move forward.

We do have (again) kind of a strong man model—we'll see how that's going to affect rates, on a flat rate scale (you know) just assuming certain things that are going to happen—you know what happens when you assume, but at least it gives us a snapshot of what we're looking at down the road.”

“One quick question, Doug—I remember when I first came on Council (back in April, or May)—there were conversations of Columbia Gas coming in and tearing up some lines (and doing some replacements)...I thought there was some talk then about replacing the water lines, and trying to coordinate that at the same time...are we still going down that avenue?”

“The last I knew with Columbia Gas—they have a project in their...pipeline (for lack of a better word)...I believe like Lincoln, Lafayette, Boyce...I think they announced that a year or two ago, and then pulled back...and I think that's probably the next one they would do,” said Mr. Crabill. “Our water project would actually be a different section...I do know as far as gas lines repairs (just leaks), I know that Tyler has communicated with them already this year to avoid...getting them out to get their leaks fixed where they may be...where we're going to pave over a street, so that coordination is a yearly thing...”

Mr. Lokai referred to 75 miles of line in the city, and said, “We'd be doing about a mile and a half a year for 50 years...”

He suggested a 60 minute addition to the regular 2nd or 4th Tuesday, to discuss the topics mentioned by Mr. Crabill and Mr. Brugger.

“I guess I'm not real keen on Saturday meetings (there's a lot of things going on), and if we can do it on the 2nd or 4th Tuesday that would be a higher priority,” said Mr. Lokai.

Mr. Brugger responded, “These meetings are (you know) for your information, so you tell us whenever you'd like the meeting...and we'll make sure we fit whatever we can in into that period.”

“The 2nd or 4th Tuesday,” Mr. Lokai repeated.

RESOLUTION NO. 2385 –

A RESOLUTION CONFIRMING THE APPOINTMENTS OF LEE WILLIAMS AND EUGENE FIELDS, JR. TO THE TAX INCENTIVE REVIEW COUNCIL, FOR THE EXECUTIVE

Mr. Bodenmiller briefly explained the Resolution, and requested two readings before passage.

Mr. Paul said he had never heard of the TIRC, and asked for a brief synopsis of what the TIRC does.

Mr. Bodenmiller said, “If a business expand (and they're in the Enterprise Zone area) essentially we're able to offer them a tax incentive to expand on their property...so if their property is worth 'x' amount of dollars, and they want to make an improvement that would raise that...'y' amount of dollars...then they were able to incentive-ize that through the TIRC...”

Mr. Lokai said, "I don't mean to be pushy or anything, but this is just an appointment of 2 people—both of them agreed to do it—I don't know why we have to have two readings on this...it's an appointment..."

"That was something that I got from someone at the State..." Mr. Bodenmiller said, explain his reasons for having two readings.

"But we don't have to do that," Mr. Lokai replied.

Mr. Lokai moved to place RESOLUTION NO. 2385 on the business floor for discussion and passage; Mr. Paul seconded. Motion carried without objection.

Mr. Thorpe expressed appreciation to Mr. Fields for his service on the TIRC.

RESOLUTION NO. 2386 –

RESOLUTION TO AUTHORIZE THE CITY OF URBANA, FOR PURPOSES OF ECONOMIC DEVELOPMENT, A SANITARY SEWER EXTENSION ALONG EAST STATE ROUTE 36, TO ROBERT ROTHSCHILD FARM

(*Read and declared a First Reading)

Discussion –

Ms. Marcia Bailey & Mr. Chad Hall approached the podium.

Ms. Bailey said, "About a year (or a little over a year) we've been working with Robert Rothschild's about their potential expansion within their own facility, and the needs that they might have...so we've worked diligently with a couple of other partners...we have Dave Burrows here from Dayton Development Coalition..."

She referred to the Targeted Tax Credit recently approved, and focused on Council approval to bring the sewer lines down to Robert Rothschild's.

"Chad, would you like to expand on that? How big? How long?" asked Council President Hess.

Mr. Hall replied:

"It's an extension from the sewer main that's in front of Walmart, going east about 1,400 feet as a gravity sewer...crossing Dugan Rd...that would allow us in the future to potentially bring Dugan Rd. in (if the city would grow to that point)...I know they've had a lot of issues on Dugan.....we get out to the end of the 1,400 foot, that would be the end of the gravity with the first manhole, and a...possibly a 4" force main that would come from Three Mile Rd. back into town to that last gravity sewer main...it does not...we will not be requiring anybody to tap into the sanitary sewer. If you was a homeowner setting along 36...the city...no one in the county has the right to do that, unless the septic tank fails...at that point, the county would not reissue a permit for a septic system, as long as you're within that 400 foot of the sanitary sewer.

I know we've talked about this (off and on), the line would become a public utility...I do not know if it's...once the completion, and it's all been approved...or if it's over a time frame, but it will become a public utility clear to Three Mile Rd."

"Our part's only 1,400 feet, or are we going...all the way?" asked Mr. Fields.

Ms. Bailey explained the Resolution (acceptance with certain conditions), and pointed to the handout with the breakdown between the city and the county. She noted an appointment on Feb. 19th with the County Commissioners, and Rothchild's representatives, and referred to applying for CDBG funding as the 50% match to what the city would be doing.

"The breakdown is a hundred and sixty per each entity (the city and the county)..." she said further explaining.

Council President Hess asked if the total price of the project (with breakdown) is on the sheet.

“Correct—with the CDBG also it’s based on employment, so not only will the funds be used for the infrastructure...but they will be required to hire LMI eligible by 51%, so there’s 16 potential new hires...of those 16—9 would have to meet (and be qualified) under the LMI guidelines...and that salary is about \$30,000 to \$33,000...that’s a State requirement, in order for the county to get these funds...” said Ms. Bailey.

Mr. Evans said, “The Rothschild’s is expanding their operation, and at one time (I know) that because of some problems that they were having out there...they were even (at one time) talking about leaving here, so we were able to assist them with staying in the area...and maintaining those jobs...and the ability to increase by what 15 positions, did you say?”

“There’s 16 for the CDBG (in order to keep that) there’s 16 positions that would fall into that category...that’s minimum...they were talking probably 25, and more into the future,” stated Ms. Bailey.

“Now—once the project is finished, and they’re running waste to be treated...we will charge them for that service--correct?” asked Mr. Evans.

Mr. Hall answered, “That is correct.”

“Can you give me some idea about—the pay back on that?” asked Mr. Evans.

Mr. Hall said, “We’ve got it projected in about 2 years.”

“So this investment will pay for itself in 2 years,” said Mr. Evans. “With that—I would like to say...Marcia, I appreciate the work that you do...on behalf of our city...and I congratulate you on this success! Thank you!”

Ms. Bailey said, “Thank you.”

Mrs. Virginia Smith also said, “You’re doing a good job!”

“It’s the whole team—several,” Ms. Bailey replied.

Mr. Lokai referred to this as another ‘hot button topic’ saying, “Just so people understand the real impact of this—there were really 3 things that could’ve happened: (a) they could’ve closed the doors at Rothschild’s (b) this proposal right here—to which our part is \$160,000 or (c) they could put in a full treatment facility....There’s going to be roughly \$90,000 revenue generated, because they’re projecting 10,000-12,000 gallons of water per day coming through those lines (they’re going to have to pre-treat it)...that’s going to be the responsibility of...putting that pretreatment plant in. That \$90,000--\$80,000 is going to be part of the pay back, so in 2 years—it’s like getting a new car, and paying it off in 2 years. After two years we’re going to be bringing revenue into our fund. We’re not tapping into tax payer dollars from income tax revenue.”

Mr. Lokai expressed appreciation for all of the information that was provided.

Mr. Brugger noted that this is a ‘huge collaborative effort with the county, the city, the DDC, and Rothschild’s to work together, to keep things going forward...toward the greater good of the community.’

RESOLUTION NO. 2387 –

A RESOLUTION TO AUTHORIZE THE OHIO DEPT> OF TRANSPORTATION TO PROCEED WITH THE PAVEMENT PLANING AND RESURFACING OF THE EXISTING U.S. 68 RDWAY (PID#91168) AND TO AUTHORIZE THE DIRECTOR OF FINANCE TO APPROPRIATE \$66,560 TOWARD SAID PROJECT, AND THE

DIRECTOR OF ADMINISTRATION TO SIGN ANY CONTRACTS OR OTHER DOCUMENTS RELATED TO SAID PROJECT

(*Read and declared a First Reading)

Discussion –

Mr. Crabill explained why this Resolution was added to the Agenda at the Meeting: “I reached out to ODOT about a week ago and asked when this legislation would be coming to us, and they said it hadn’t made it to the District from Central Office yet...so...and then a week later it made its way to the District...and Friday they mailed it to us, so we received it on Monday...and they want it back on March 8th...so...including our check for \$66,560...”

He noted the deadline for everything returned as March 15th.

“This is authorizing the 68 Project to move forward and resurface 68 from Reynolds to the south of 55 (basically picking up where they left off last year going south), and in 2014 we’ll pick up where they left off up by Speedway, and go north to the corporation limits...but this is this part, this year. Our contribution is 20% of the project cost based on ODOT’s estimates...we had projected in the budget it would be \$60,600...with what they sent us, it’s \$66,560...” stated Mr. Crabill, noting the Resolution ‘basically gets the whole thing moving.’

Mr. Paul said the difference is ‘basically six grand.’

“It’s all based on ODOT’s estimate—we checked it in December, and this is what we ended up with,” Mr. Crabill said.

Mr. Fields asked, “Should we go ahead, and send them a check (so they can’t change the price)?”

Mr. Crabill answered, “Actually—in my experience with working with these over the last couple years—we usually get a check back, for about \$10,000...about a year after the project’s done...we received one last year for Oakland St., for about twelve or thirteen thousand dollars...so...money out of the sky!”

ORDINANCE NO. 4390 –

ORDINANCE OF COUNCIL OF THE CITY OF URBANA APPROVING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF URBANA, OHIO AND THE CITY OF URBANA FIREFIGHTERS AND THE URBANA FIREFIGHTERS ASSOCIATION, I.A.F.F., LOCAL 1823

(*Read and declared a First Reading)

Discussion –

Mr. Brugger stated:

“We started negotiations on Sept. 26th with the firefighters and the fire captains, and (through the course of time) we ended up around Dec. 18th...we had 32 articles in the agreement, and there were a few that we selected (agreed) we weren’t going to negotiate...when we finally settled out there were about 11 that have any significant changes worth talking about, but a lot of discussions...a lot of exchanges of thoughts and ideas...and if anybody’s familiar with negotiations, you know you always have...what you’d like to get, and they have what they’d like to get...you try to meet in the middle, or make it amicable and everybody’s still talking...so good sessions, a lot of good discussions, a lot of things on the table that (you know)...for future discussions...so...without getting into every article, I’ll be happy to answer any questions

you might have specifically...I do have some bullet points, but rather than read through them...I'll field questions at this point."

Mr. Hoffman asked, "Do you feel comfortable though, Kerry, with where we ended up?"

Mr. Brugger replied, "Yeah—I believe (with all things considered) both sides got a little bit, took a little bit, gave a little bit...so this is a nice meeting point. Just one thing—I know that's probably the question on everybody's mind—you know, where did we end up with the money...we were able to come to an agreement on a...for the base pay for the firefighters was a zero percent increase for the first year, freeze in their step increase, and a reopener in year 2...so the intent is, that article (in and of itself) will be reopened one year...and we'll see if our financial picture is any different than it is right now. Going into the negotiations we knew we weren't going to have a real gangbuster year—things were going to look okay, but a lot of things were still unknown at that time...so at this point from the base pay everything is kind of at a freeze...generally speaking, a lot of it is clarifying language...a couple things here and there, trying to work conditions and maybe personal days here and there...a lot of that going on throughout the contract, so that's...in terms of wages, the paramedics did get...a 1% over and above their normal...I think they're currently at 4% over base, so the paramedics will get a 1% over their original 4%."

"Congratulations Mr. Brugger, on what you've got done," said Mr. Thorpe.

"Thank you," Mr. Brugger replied.

Mr. Lokai asked, "Both sides are pretty much in agreement then—now?"

"Yeah—we've...firefighters, they've already been ratified...we just can't move anything forward now until we get Council's approval to move it forward," said Mr. Brugger.

Mr. Evans commented, "I have confidence that you've done a wonderful job—thank you!"

ORDINANCE NO. 4391 –

ORDINANCE OF COUNCIL OF THE CITY OF URBANA APPROVING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF URBANA, OHIO AND THE CITY OF URBANA SERVICE DIVISIONS AND THE PUBLIC EMPLOYEES OF OHIO TEAMSTERS LOCAL UNION #284

(*Read and declared a First Reading)

Discussion –

Mr. Brugger said:

"Very started negotiations with the Teamsters on Oct. 2nd—we completed it Nov. 26th...that was ratified...there were a lot of good discussions...Lee, Chris Boettcher, myself, Skipp, and...input from the Public Works group...a lot of things were brought to the table, and you just work through them until things come forward.

A couple of the key areas (maybe) for changes—previously in the agreement the Cemetery was in the Public Works contract (and we could never quite figure out how it got there), but it was according to the Charter in the...Administrative Order Reg there wasn't any mention of Cemetery being a part of Public Works, but that's been changed. Wages—there was (again) a select few, and a step increase (they're going to get a step increase)...the general wage increase (again) is a freeze for the first year, and they have a 'Me Too' clause...so what that means is...if there's an increase given to the patrolmen or the firefighters, then the Teamsters would then get that increase...so at this point...we

really can't finalize that piece of the language until things move forward with the other two...finalize that."

"Did you enjoy doing it?" asked Mr. Fields.

"Thoroughly," answered Mr. Brugger.

Mr. Paul said, "I like the bullet points—I like the probationary period change (I think that's a good idea to go from 30 to 90 days)—I like the change in personal days (that's a nice plus for them)...so I liked what I saw...I liked the health insurance buy out as well (increasing that—I think that's a great idea)...so I like what I see...I think it's great."

"I liked what Dwight liked too—you did a good job, Kerry," said Mrs. Smith.

ORDINANCE NO. 4392 –

ORDINANCE OF COUNCIL OF THE CITY OF URBANA APPROVING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF URBANA, OHIO AND THE CITY OF URBANA FIRE CAPTAINS AND THE URBANA FIREFIGHTERS ASSOCIATION, I.A.F.F., LOCAL 1823

(*Read and declared a First Reading)

Discussion –

Mr. Brugger said:

"Again—I can pretty much summarize—there's some very subtle differences between the firefighters and the captains, but we were able to work through those (pretty much) simultaneously. Again—good effort with Skipp involved...Lee, Chris, and Fire Chief Keller...so a lot of good discussion, and I think there will be a lot of momentum out of that just for general discussion to move forward throughout the year (for other items)."

Mr. Paul asked the number of captains.

"Three," said Mr. Brugger.

"...and you're going to have to explain to me...I read the holiday pay covered, and I don't get that..." said Mr. Paul.

"We do have hard copies available in your office, if you need to sit down and if you want to peruse (feel free)...if you want we can sit down, and kind of talk specifics," said Mr. Brugger.

Mr. Lokai commented, "If you're going to keep quality people, you need to provide a fair wage...that's very important..."

Miscellaneous Business

Mr. Fields - Mentioned 'overgrowth in the alleys' and questioned who is responsible for taking care of that

Mr. Bodenmiller said with an address, the area can be inspected...and a Determination would be made regarding who takes care of the situation

Mr. Evans - Noted he attended the Ohio Municipal League Luncheon (Feb. 6), and Briefing; Recommended to Admin & Mr. Hess, to 'get with our Representative John Adams regarding HB#5 (suggested all to get on the website to read HB#5, concerning Municipal Income Taxes)

He said everyone should gather as much information as possible, make a position on the issue, and let the legislators know 'how we feel about it'

"We need to work on that," he said.

Mr. Paul - Announced the upcoming CPR Class (#652-4374 for more info)

Mrs. Smith - Mentioned the water leak on Twain, and asked what was found

Mr. Robert Munch said (to laughter),” We found a broken/cracked pipe...I can’t say what caused it.”

“You guys did a good job, because it was really cold out that morning—they were out there digging,” said Mrs. Smith.

“We appreciate your appreciation,” Mr. Munch said.

- Mr. Lokai - Mentioned the relocation of the Chamber Office
Noted disappointment with no birthday cake (for Council President Hess’s birthday) as was promised; Said he brought ice cream & utensils to celebrate the birthday
- Mr. Thorpe - Nothing at this time
- Mr. Hoffman - Asked about rules regarding satellite dishes (where they may be placed); Mentioned a dish on Scioto St.
Mr. Bodenmiller said he would review
- Fire Chief Mark Keller –
Nothing at this time
- Mr. Bodenmiller - Nothing at this time
- Mr. Crabill - Announced the CHIP FY13 Program application is due Apr. 5th; First Reading (Resolution to apply at the next Meeting); The first CDBG Public Hearing will be Feb. 26 (6:45PM); CHIP specific Public Hearing will be Mar. 26 (6:45PM)
- Mr. Robert Munch –
Nothing at this time
- Mr. Chad Hall - Nothing at this time
- Police Chief Matt Lingrell –
Nothing at this time
- Mr. Lee Williams - Nothing at this time
- Mr. Kerry Brugger –Regarding Mr. Lokai’s comment about the Chamber, said, “Part of that move also encompasses The Monument Square District—is now going to be sharing an office with the Chamber (which is going to be a significant impact—we think—to help downtown merchants...”
- Mayor Bill Bean - Expressed appreciation ‘for what Kerry did, and Skipp, Chris Boettcher, and Lee...with the union negotiations...they worked diligently in getting these contracts together...and I want to thank all the other units that just worked with the Administration with open eyes...they came to meetings, and worked everything out! I’m proud of the people that work here—the Administration, the Public Works, the Fire Department...we’re working with the F.O.P. now, and they’re all doing a good job...and I really appreciate it! I want to thank them all!’
- Council President Hess –
Asked about a possible change regarding the 2 drives on the Jefferson Ave. property between Water St. & Scioto St.
Discussed clean up of trash in all areas
Asked—when there are sewer backups in basements, who is responsible for clean up in the basements
Answered Mr. Lokai’s remark about baking a cake with, “I’m a pie

champion, not a cake champion—I didn't want to disappoint everybody.”

“If I'd known that—I would've brought a cake,” Mr. Lokai said.

Council Clerk - Wished Council President Hess a 'Happy Birthday!'

ADJOURNMENT

Mr. Thorpe moved to adjourn the UCC Regular Session at 8:36PM; Mr. Lokai seconded. All were in favor of adjournment. (*The UCC Work Session followed this Meeting following a brief break).

Council Clerk

Council President