

APPROVED

**URBANA CITY COUNCIL**  
**REGULAR SESSION MEETING MINUTES**  
**TUESDAY, April 22, 2014, @ 7:00 p.m.**

President Pro tem Al Evans called the regular meeting of the Urbana City Council to order at 7:03 p.m. City staff attending: Mayor Bill Bean, Director of Administration Kerry Brugger, Director of Finance Rhonda Ward, Director of Law Breanne Parcels, Assistant to Director of Administration Doug Crabill, City Engineer Tyler Bumbalough, Police Chief Matt Lingrell, and Fire Chief Mark Keller.

Media present: reporters from the *Urbana Daily Citizen* and WPKO Radio.

**PRESIDENT PRO TEM CALLED ROLL:** Tony Pena, present; Doug Hoffman; present, Gene Fields; present, Al Evans; present, Dwight Paul; present, Virginia Smith; present, and Pat Thackery, present. Council President Marty Hess was absent.

President Pro Tem Evans led those present in the Pledge of Allegiance.

**TREE CITY, USA.** Mr. Crabill spoke about the recent award presented to the City of Urbana on April 17, 2014, by Tree City, USA, for being a part of the Central Ohio Region in 2013. Mr. Crabill was joined by other members of the Tree Committee, Earl Cottrell, Elmo Layman, and Mr. Crabill spoke about the requirements for recognition by Tree City, USA, including per-capita spending of at least two dollars per resident. Last year, the City of Urbana planted 20 trees, removed 12, and had 190 volunteer hours. "All together, we have just over \$50,000 in total expenditures and in-kind services," Mr. Crabill said, noting that amount was about \$4.30 per capita. He also spoke about the upcoming Arbor Day observance plans in conjunction with Urbana City Schools. Mr. Crabill also answered questions from council about ash tree removal due to the impact of the emerald ash borer, and downtown tree species selection and plans for replacement within the next five years.

**MAYORAL PROCLAMATION:** Mayor Bean read a proclamation recognizing Arbor Day, with observance along with other Ohio communities on the last Friday in April, falling on April 25, 2014.

**MINUTES** of the previous regular meeting, April 8, 2014, were reviewed. Councilman Fields moved for approval, with second by Councilman Thackery. Voice vote on approval: all ayes; nays, none. Motion carried without objection.

**COMMUNICATIONS:** (1) Letter from Department of Commerce, Division of Liquor Control, regarding a new liquor permit for 1273 S. US 68, Urbana, OHM Rudra, dba Urbana Food Mart. Councilman Fields moved to accept the communication, Councilman Paul seconded. Voice vote on approval: all ayes; nays, none. Motion carried without objection. Ms. Parcels explained that the permit is requested by the new owner of the former Swifty Gas station property, which would require new construction for a convenience store.

(2) City of Urbana Shade Tree Commission Minutes – November, 2013. Councilman Fields moved to address this communication, Councilwoman Smith seconded. Voice vote on approval: all ayes; nays, none. Motion carried without objection.

**ADMINISTRATIVE REPORTS – BOARD OF CONTROL (see attached):**

**1. White's Service Center, Inc. (Police Division)**

Councilman Paul moved to authorize a purchase order in the amount of \$31,470.95 to White's Service Center, Inc., for a 2014 Dodge Charger police car and uplift package. Councilman Hoffman seconded. Chief Lingrell said this new cruiser will replace a 2009 model with high mileage. Voice vote on approval: all ayes; nays, none. Motion carried without objection.

**2. Wagner Paving, Inc. (Street Department)**

Councilman Paul moved to authorize a purchase order in the amount of \$135,068.50 to Wagner Paving, Inc., including the acceptance of alternate #1. Councilman Thackery seconded. Mr. Bumbalough said this project is for the resurfacing of Railroad Street and said a preconstruction meeting will be held April 25. Mr. Evans asked why the alternate was necessary, and Mr. Bumbalough explained the relationship to the engineer's estimate. The project should take about a week, he said. Voice vote on approval: all ayes; nays, none. Motion carried without objection.

**3. Scioto Services (Fire Division)**

Councilman Fields moved to authorize a purchase order in the amount of \$9,101.00 to Scioto Services, for the fire station interior parking area epoxy floor. Councilman Paul seconded. Chief Keller and Mr. Brugger explained that one of the vendors that bid on the project would have used Scioto Services as a subcontractor, which was one of the reasons Scioto Services was chosen. Voice vote on approval: all ayes; nays, none. Motion carried without objection.

**4. LeVan's Excavating (Water Division)**

Councilwoman Smith moved to authorize a purchase order to LeVan's Excavating, in the amount of \$57,708.00 for the gravel pit stormwater project along U.S. Route 36. Councilman Thackery seconded. Mr. Bumbalough explained this is a phase of the overall project to alleviate flooding, continuing from the improvements made in the Berwick Drive area. Voice vote on approval: all ayes; nays, none. Motion carried without objection.

**5. Dmytryka Jacob Engineers, Inc. (Water Department)**

Councilman Paul moved to authorize the Director of Administration to authorize a purchase order to Dmytryka Jacob Engineers, Inc., in the amount of \$15,450.00, for the Water Division's SCADA Workstation Upgrade. Councilman Fields seconded. Mr. Munch said the SCADA ("Supervised Control And Data Acquisition") upgrade was needed due to the end of Microsoft's

support for Windows XP. "This system allows me to run the water plant remotely without hiring seven more people," he explained, noting that the plant would otherwise need staffed around the clock. Voice vote on approval: all ayes; nays, none. Motion carried without objection.

A footnote regarding an emergency repair requisition for a water main on Scioto Street was disregarded, as Water Superintendent Munch explained that after investigation, the water in the area of the suspected leak is not chlorinated, therefore is most likely groundwater.

**6. Ohio Environment Protection Agency/Ohio Water Development Authority  
(Water Department)**

Councilman Paul moved to authorize the Director of Administration to enter into a 20-year loan agreement with the Ohio Environmental Protection Agency and the Ohio Water Development Authority to fund the Phase 1 Water Replacement Project. Councilman Fields seconded. The loan will be repaid through the 5% water rate increase which takes effect July 1, 2014, and council initially approved the project and loan process through Resolution No. 2384. Mr. Crabill explained this is the updated project cost inclusive of the principal, application fee, and interest over life of the loan. (See minutes of April 8, 2014 for more details). Voice vote on approval: all ayes; nays, none. Motion carried without objection.

**CITIZEN COMMENTS:**

Michelle Kerns, of 609 Hagenbuch St., spoke of a nuisance issue in her neighborhood pertaining to trash accumulation and rodents. She said mice have been causing destruction to her home as well. Mr. Brugger advised that he would research the issue and respond within 2-3 weeks.

John Shutway, of 573 E. Church St., inquired again about delinquent water accounts and billing. Ms. Ward explained all revenue from late charges and disconnect fees goes into the water fund, as it is an enterprise fund and all those revenues support the cost of operations, maintenance and permanent improvements of the water system. Under Ohio Revised Code Section 743.04, assessment and collections of water rents, the city sets a minimum bill based on 400 cubic feet of monthly water usage, Ms. Ward said. Mr. Shutway wanted to know why the minimum is not lower, as Springfield's is. Ms. Ward said comparing the City of Urbana to the City of Springfield is not "apples to apples" due to a number of differences, such as total customers served and age of the water system infrastructure. President Pro Tem Evans noted the City's utilities are not "for profit" as the rates are set to cover expenses. "Anything under the minimum, we won't be able to cover our expenses," he said. "Those expenses are only incurred when someone doesn't pay their water bill," Mrs. Ward said delinquent and shutoff fees are charged to cover the City's expenses in extra mailings, door hangers, and manpower hours related to delinquent and disconnected utilities. Mr. Shutway asked why water late fees can't be "earmarked and set aside for a separate purpose." Ms. Parcels said that "earmarks" not permitted for enterprise fund revenues.

## **ORDINANCES AND RESOLUTIONS**

(all reviewed by Director of Law prior to introduction):

Third Reading –

### **ORDINANCE NO. 4419-14**

AN ORDINANCE AUTHORIZING THE DIRECTOR OF ADMINISTRATION OF THE CITY OF URBANA TO DISPOSE OF SURPLUS REAL ESTATE LOCATED AT 218 HARMON AVENUE (PARCEL #K48-25-00-04-12-109-00) THROUGH THE PUBLIC BID PROCESS OUTLINED IN OHIO REVISED CODE SECTION 721.03. (SEE ATTACHMENT)

Councilman Paul moved for final discussion and passage. Councilman Fields seconded. Mr. Crabill explained the city has had the lot since the 1980s and Habitat for Humanity is interested in the property to build a home. Roll call vote: Councilman Hoffman, yes; Councilman Fields, yes; President Pro tem Evans, yes; Councilman Paul, yes; Councilwoman Smith, yes; Councilman Thackery, yes; and Councilman Pena, yes. *Ordinance Passed 7-0.*

### **ORDINANCE NO. 4420 – 14**

AN ORDINANCE TO AMEND THE FINAL COST RECOVERY PLAN FOR THE SOUTH MAIN STREET/US ROUTE 68 SOUTH WATER DISTRICT AS ESTABLISHED BY CHAPTER 939.10 OF THE CODIFIED ORDINANCES OF THE CITY OF URBANA. (SEE ATTACHMENT) Councilwoman Smith moved for final discussion and passage. Councilman Fields seconded. Mr. Crabill reviewed the need for this ordinance and Ordinance 4421 and Ordinance 4422 to recover the city's investment in utility extensions. Roll call vote: Councilman Fields, yes; President Pro tem Evans, yes; Councilman Paul, yes; Councilwoman Smith, yes; Councilman Thackery, yes; Councilman Pena, yes; and Councilman Hoffman, yes. *Ordinance Passed 7-0.*

### **ORDINANCE NO. 4421 – 14**

AN ORDINANCE TO AMEND THE FINAL COST RECOVERY PLAN FOR THE EAST STATE ROUTE 29 WATER DISTRICT AS ESTABLISHED BY CHAPTER 939.09 OF THE CODIFIED ORDINANCES OF THE CITY OF URBANA. (SEE ATTACHMENT) Councilman Paul moved for final discussion and passage. Councilman Thackery seconded. Mr. Crabill briefly reviewed the district service area. Roll call vote: President Pro tem Evans, yes; Councilman Paul, yes, Councilwoman Smith, yes; Councilman Thackery, yes; Councilman Pena, yes; Councilman Hoffman, yes; Councilman Fields, yes. *Ordinance Passed 7-0.*

### **ORDINANCE NO. 4422 – 14**

AN ORDINANCE TO AMEND THE FINAL COST RECOVERY PLAN FOR THE EAST STATE ROUTE 29 SEWER DISTRICT AS ESTABLISHED BY CHAPTER 931.25 OF THE CODIFIED ORDINANCES OF THE CITY OF URBANA. (SEE ATTACHMENT)

Councilman Paul moved for final discussion and passage. Councilman Thackery seconded. Mr. Crabill briefly reviewed the district service area. Roll call vote: Councilman Paul, yes; Councilwoman Smith, yes; Councilman Thackery, yes; Councilman Pena, yes; Councilman Hoffman, yes; Councilman Fields, yes; and President Pro tem Evans, yes. *Ordinance passed 7-0.*

**Second Reading –**

**ORDINANCE NO. 4423 – 14**

AN ORDINANCE ESTABLISHING THE SALARY SCALE AND RESPONSIBILITIES OF COUNCIL CLERK, CONFIRMING THE APPOINTMENT OF AMY DEERE AS COUNCIL CLERK AND DESIGNATING THE COUNCIL CLERK AS THE APPOINTEE FOR PUBLIC RECORDS TRAINING REQUIREMENTS ON BEHALF OF ELECTED CITY COUNCIL MEMBERS.

President Pro tem Evans declared a second reading.

**First Reading –**

**RESOLUTION NO. 2420-14**

A RESOLUTION OF SUPPORT FOR STATE ISSUE 1, RENEWAL OF THE STATE CAPITAL IMPROVEMENTS PROGRAM.

Ms. Parcels advised this resolution could pass on first reading as a ceremonial action.

Councilwoman Smith moved for final discussion and passage. Councilman Fields seconded.

Mr. Crabill spoke briefly regarding the City's projects completed with funding through the Ohio Public Works Commission, such as Dugan Run improvements, storm sewers and culverts, and various water, sewer and paving projects. Mr. Brugger said in total since 1993, the City has received about \$4 million in loans and \$4 million in grants from OPWC through Issue 1 funds.

Roll call vote: Councilwoman Smith, yes; Councilman Thackery, yes; Councilman Pena, yes; Councilman Hoffman, Councilman Fields, President Pro tem Evans, yes; and Councilman Paul, yes. *Resolution Passed 7-0.*

**RESOLUTION NO. 2421-14**

A RESOLUTION TO AUTHORIZE THE DIRECTOR OF ADMINISTRATION OF THE CITY OF URBANA TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION (OPWC) STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT GRANT PROGRAM(S); TO AUTHORIZE THE MAYOR TO EXECUTE CONTRACTS AS REQUIRED; AND TO AUTHORIZE THE DIRECTOR OF FINANCE TO COMMIT AND APPROPRIATE LOCAL MATCH FUNDING FOR THIS PROJECT.

Mr. Crabill spoke briefly regarding this resolution. He said this pertains to the east side U.S. Route 36 project and upgrading stormwater infrastructure in that area, with 89 percent from grant funds and 11 percent local match.

President Pro tem Evans declared a first reading.

**RESOLUTION NO. 2422-14**

A RESOLUTION TO AUTHORIZE THE DIRECTOR OF ADMINISTRATION OF THE CITY OF URBANA TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION (OPWC) STATE CAPITAL IMPROVEMENT GRANT AND LOAN PROGRAMS; TO AUTHORIZE THE MAYOR TO EXECUTE CONTRACTS AS REQUIRED; TO AUTHORIZE THE DIRECTOR OF FINANCE TO COMMIT AND APPROPRIATE LOCAL MATCH FUNDING FOR THIS PROJECT; AND TO FURTHER AUTHORIZE THE DIRECTOR OF FINANCE TO MAKE THE NECESSARY ASSURANCES FOR THIS LOAN AS REQUIRED.

Mr. Crabill spoke briefly regarding this resolution and answered questions that were asked. He said this will be a Powell Avenue/Bon Air subdivision sewer project but cost is not certain, so will be targeted for a future round of funding. President Pro tem Evans declared a first reading.

**RESOLUTION NO. 2423-14**

A RESOLUTION OF SUPPORT AND LOCAL MATCH COMMITMENT FOR THE CITY OF URBANA'S SHARE OF THE DELLINGER ROAD BRIDGE REPLACEMENT PROJECT.

Mr. Crabill said a small part of the bridge is in the city, so the county engineer needs to have it surveyed to find out percentage, and the city's share would need to be appropriated accordingly.

Mr. Bumbalough said the road is angled at the bridge so the corporation line needs to be marked. President Pro tem Evans declared a first reading.

**RESOLUTION NO. 2424-14**

A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO AN AGREEMENT WITH MONUMENT SQUARE DISTRICT FOR USE AND IMPROVEMENT OF THE LOT LOCATED AT 19 MONUMENT SQUARE, URBANA.

Mr. Brugger and Rich Colvin spoke briefly regarding this resolution and answered questions that were asked. Mr. Brugger said rules suspension will be requested at the May 13 regular meeting to permit volunteers to begin work on the lot before Memorial Day. President Pro tem Evans declared a first reading.

**ORDINANCE NO. 4424-14**

AN ORDINANCE TO AMEND SECTIONS OF CHAPTER 755 OF THE URBANA CODIFIED ORDINANCES PERTAINING TO REQUIREMENTS AND FEES FOR SOLICITOR LICENSE APPLICANTS.

Ms. Parcels and Chief Lingrell spoke briefly regarding the need for updating the ordinance to include fees for background checks for solicitor license applicants, using the Police Division's Webcheck capability. President Pro tem Evans declared a first reading.

**ORDINANCE NO. 4425-14**

AN ORDINANCE TO AMEND THE CODIFIED ORDINANCES OF URBANA, OHIO TO ADD A LANDLORD LIABILITY SECTION UNDER THE EXISTING CHAPTER 513 PERTAINING TO DRUG ABUSE.

Ms. Parcels and Chief Lingrell spoke briefly regarding this ordinance. Chief Lingrell said this ordinance will specifically target properties that have been identified by the police division as repeat problems. Most of the time, when landlords are informed of drug activity, they evict as permitted by state law, Chief Lingrell said. However, a few notorious "drug houses" persist in the City, so this ordinance would require landlords to evict upon notification of tenant drug activity or face a fine, Ms. Parcels explained. President Pro tem Evans declared a first reading.

**MISCELLANEOUS BUSINESS:**

Councilman Paul spoke about the sale of the property on Harmon. He wanted to know where the money goes from the sale of the property. Ms. Ward advised it goes into the General Fund.

Councilwoman Smith thanked Mrs. Kerns for coming to council to discuss her issues.

Councilman Thackery asked about additional signage on Scioto Street at East Lawn Avenue to advise motorists the right lane is a turn-only lane, and also signage at Scioto and Locust Street as well. He also wanted to remind people that dogs must be on leashes, and pointed out that a stray dog has been roaming in the downtown area. Chief Lingrell advised that citizens may call dispatch to report loose or stray dogs at (937) 652-4351.

Councilman Pena inquired about getting the water fountains repaired at the dog park. Mayor Bean advised that it would be finished soon as the work could not be performed while there was still a threat of freezing pipes.

Councilman Hoffman said while a "boatload" of expenditures were approved tonight, all of them were in the budget and planned well in advance.

President Pro tem Evans asked about brush removal from gutters along residential streets. Mr. Brugger advised that the compost facility is open, so citizens need to take brush to the compost facility as the street department staff has other priorities. "It's not to say we won't do it at some point, but it's just not high enough on the list to get done at this time," Mr. Brugger said.

Chief Lingrell advised of the Drug Take Back Day scheduled for Saturday, April 26, from 10:00 a.m. to 2:00 p.m. The FOP-sponsored Easter Egg Hunt at Urbana High School went exceptionally well with about 300 kids and 3,600 eggs.

Chief Keller said the structure fire in the 300 block of Windsor Avenue is still being investigated by the insurance company, even though the State Fire Marshal's investigation has concluded. He explained that the Fire Division may receive a settlement to demolish the remainder of the structure if the property owner does not do it, as a claim has been filed.

Mr. Crabill advised the Ohio EPA has granted the City a "covenant not to sue" related to the former Fox River Paper Mill, clearing the way for a transfer of the property to Weidmann Technologies.

Mr. Crabill said on May 7, 2014, the traffic light will be out at the intersection of Scioto Street and Jefferson Avenue, for the pole has to be replaced, so motorists should avoid that area on that date.

Mr. Crabill said a neighborhood meeting for the Phase 1 Water Project has been scheduled for May 14, 2014, from 6:30 p.m. to 7:30 p.m. in the Urbana High School Auditorium. Property owners in the Phase 1 area will also be notified by mail.

Mr. Brugger said repair work on the South Edgewood Avenue railroad tracks, specifically the northern section of the tracks, will be starting soon.

Mayor Bean encouraged support for the upcoming Relay For Life on May 16 and May 17 at the Champaign County Fairgrounds. This year's fund-raising campaign includes the theme "Paint The Town Purple" May 5-10, by hanging purple ribbons, bows, painting windows purple, etc. Mayor Bean gave suggested donation amounts and contact information for Relay organizers.

Councilman Fields moved that President Hess be excused from this meeting. Councilman Paul seconded. Voice on approval: all ayes; nays, none. Motion carried without objection.

Councilman Thackery moved to adjourn at 9:03 p.m. Councilman Fields seconded.

**NEXT SCHEDULED MEETING**

May 13, 2014, at 7:00 p.m.



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Council Clerk



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Council President