

 APPROVED

**URBANA CITY COUNCIL
REGULAR SESSION MEETING MINUTES
TUESDAY, OCTOBER 6, 2015 @ 7:00 p.m.**

President Pro Tempore Dwight Paul called the regular meeting of the Urbana City Council to order at 7:00 p.m. City staff attending: Mayor Bill Bean, Director of Administration Kerry Brugger, Director of Finance Chris Boettcher, Director of Law Breanne Parcels, Community Development Director Doug Crabill, Engineer Tyler Bumbalough, and Police Chief Matt Lingrell.

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

Mr. Paul led those present in the Pledge of Allegiance.

Mr. Evans called a point of order and asked for clarification as to whether Mr. Paul retained voting power while conducting the meeting in his role as president pro tem. Ms. Parcels said she would review the charter and council rules while the council went into executive session.

Mr. Thackery moved to enter into executive session to discuss a personnel issue pursuant to R.C. 121.22(g)(1) at 7:04 p.m. Mr. Pena seconded. Mr. Paul called for a roll call to enter into executive session: Mr. Hoffman, yes; Mr. Fields, yes; Mr. Evans, yes; Mrs. Smith, yes; Mr. Thackery, yes; and Mr. Pena, yes. Discussion was held related to employment/discipline/dismissal of a public employee.

At 7:10 p.m. Mr. Evans moved to return from the executive session and resume the regular session meeting. Mr. Thackery seconded. Voice vote on approval: all ayes, nays, none. Motion carried without objection. Ms. Parcels advised that Mr. Paul, as president pro tempore, does retain voting power pursuant to Charter Section 2.05, even though Section 2.04 restricts the President from voting except in cases of a tie and Section 2.05 addresses only vacancies, rather than temporary absences.

MINUTES of the regular session meeting of September 15, 2015, were approved as received. Mr. Thackery moved for the approval of the minutes and Mr. Pena seconded. Voice vote on approval: all ayes; nays, none. Motion carried without objection.

COMMUNICATIONS:

1. Design Review Board Minutes of 8/24/25 and Planning Commission Minutes of 8/24/14, emailed 9/29/15. Mr. Hoffman moved to accept the communications with a second from Mr. Thackery. Voice vote on approval: all ayes; nays, none. Motion carried without objection.

ADMINISTRATIVE REPORTS – BOARD OF CONTROL:

1. Freisthler Paving Inc. - \$27,675.00 (Capital Improvement, Street Paving)

Mr. Fields moved to authorize a purchase order to Freisthler Paving, Inc., for asphalt seam and asphalt patch repairs on East U.S. Route 36. Mrs. Smith seconded. Mr. Bumbalough explained that the City received three bids for this project and they did not go with the lowest bid, for that the surface area in that bid covered only four feet, while the other covered five feet. Voice vote on approval: all ayes, nays, none. Motion carried without objection.

2. Blaugrund Kessler Myers & Postalakis Inc. - \$7,000.00 increase (General Fund – Non-Departmental Outside Legal Fees)

Mr. Fields moved to authorize a purchase order increase for employment law support. Mrs. Smith seconded. Mr. Brugger stated that Board of Control items 2 and 3 are from the same firm, but for different purposes as this one is for employment law which includes assistance with upcoming labor negotiations with the bargaining units. Voice vote on approval: all ayes, nays, none. Motion carried without objection.

3. Blaugrund Kessler Myers & Postalakis Inc.- \$8,000.00 increase (General Fund- Non-Departmental Outside Legal Fees)

Mr. Evans moved to authorize a purchase order increase for miscellaneous legal services. Mr. Fields seconded. Voice vote on approval: all ayes; nays, none. Motion carried without objection.

4. Frost Brown Todd - \$18,000.00 increase (General Fund-Non-Departmental Outside Legal Fees)

Mr. Hoffman moved to authorize a purchase order increase to Frost Brown Todd for brownfield legal services. Mr. Brugger stated that the City is working through the details of the Q3 redevelopment project and this amount should be enough to finish the remainder of the year. Mr. Evans asked how much had the City spent on this project this far. Mrs. Boettcher stated that amount of the previously approved purchase order to Frost Brown Todd from January was \$15,000.00, in addition to up to \$4,000 approved on September 15 for title work to Thompson, Dunlap and Heydinger Ltd. and up to \$19,000 approved August 18 for Hull and Associates for bid preparation. Mr. Hoffman asked if the monies are not utilized, if they return to the General Fund, and Mrs. Boettcher responded that any unexpended funds on those purchase orders are rolled back into the general fund. Mr. Evans called a point of order and stated that he desired a roll call vote for approval of this item. Mr. Paul called for a roll call: Mr. Fields, yes; Mr. Evans, no; Mr. Paul, yes; Mrs. Smith, yes; Mr. Thackery, yes; Mr. Pena, yes; and Mr. Hoffman, yes. Motion carried 6-1.

CITIZEN COMMENTS:

Ben Vollrath of DP&L advised that DP&L has launched a tree giveaway by partnering with five different nurseries and also is offering grants in partnership with the Tree City USA program.

ORDINANCES AND RESOLUTIONS:

Third Reading –

RESOLUTION NO. 2461-15

A RESOLUTION TO AUTHORIZE PRELIMINARY APPROVAL BETWEEN THE CITY OF URBANA, OHIO AND THE OHIO DEPARTMENT OF TRANSPORTATION FOR AN OVERLAY OF U.S. ROUTE 36 (CHP 36/245 16.45/6.16, PID # 101125) FROM THE EASTERN CORPORATION LIMIT OF URBANA TO LUDLOW ROAD, MORE OR LESS, AND DECLARING AN EMERGENCY.

Mr. Evans moved to put this resolution on the floor for discussion and possible passage. Mr. Pena seconded. Mr. Paul called for a roll call for passage: Mr. Evans, yes; Mr. Paul, yes; Mrs. Smith, yes; Mr. Thackery, yes; Mr. Pena, yes; and Mr. Fields, yes. Resolution passed 7-0.

RESOLUTION NO. 2462-15

A RESOLUTION TO AUTHORIZE PRELIMINARY APPROVAL BETWEEN THE CITY OF URBANA, OHIO AND THE OHIO DEPARTMENT OF TRANSPORTATION FOR AN OVERLAY OF U.S. ROUTE 36 (CHP 36/29 0.00/21.72, PID # 101081) FROM THE MIAMI/CHAMPAIGN COUNTY LINE TO THE WESTERN CORPORATION LIMIT OF URBANA, MORE OR LESS. ALSO AUTHORIZING PRELIMINARY APPROVAL FOR AN OVERLAY OF STATE ROUTE 29 FROM THE EASTERN CORPORATION LIMIT OF URBANA TO STATE ROUTE 56, MORE OR LESS, AND DECLARING AN EMERGENCY. Mr. Thackery moved to put this resolution on the floor for discussion and possible passage. Mr. Evans seconded. Mr. Paul called for a roll call for passage: Mr. Paul, yes; Mrs. Smith, yes; Mr. Thackery, yes; Mr. Pena, yes; Mr. Hoffman, yes; Mr. Fields, yes and Mr. Evans, yes. Resolution passed 7-0.

RESOLUTION NO. 2463-15

A RESOLUTION TO AUTHORIZE PRELIMINARY APPROVAL BETWEEN THE CITY OF URBANA, OHIO AND THE OHIO DEPARTMENT OF TRANSPORTATION FOR A FINE GRADED POLYMER OVERLAY OF STATE ROUTE 54 (CHP/CLA SMOOTH FY2017, PID # 101066) FROM HICKORY GROVE ROAD TO THE SOUTHERN CORPORATION LIMIT OF URBANA, MORE OR LESS, AND DECLARING AN EMERGENCY.

Mrs. Smith moved to put this resolution on the floor for discussion and possible passage. Mr. Pena seconded. Mr. Paul called for a roll call for passage: Mrs. Smith, yes; Mr. Thackery, yes; Mr. Pena, yes; Mr. Hoffman, yes; Mr. Fields, yes, Mr. Evans, yes; and Mr. Paul, yes. Resolution passed 7-0.

RESOLUTION NO. 2464-15

A RESOLUTION RESCINDING RESOLUTION 2360 REGARDING AUTHORIZATION FOR PRELIMINARY APPROVAL TO PLANE AND RESURFACE U.S. ROUTE 68 FROM URBANA ROAD (SLM 1.27) TO STATE ROUTE 55 (SLM 5.65) WITHIN THE CITY OF URBANA, CHAMPAIGN COUNTY, OHIO (CHP-US68-1.27)

Mr. Evans moved to put this resolution on the floor for discussion and possible passage: Mr. Pena seconded. Mr. Paul called for a roll call for passage: Mr. Thackery, yes; Mr. Pena, yes; Mr. Hoffman, yes; Mr. Fields, yes; Mr. Evans, yes; Mr. Paul, yes; and Mrs. Smith, yes. Resolution passed 7-0.

Second Reading - None

First Reading

RESOLUTION NO. 2430-15

RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR. (Suspension of Rules Requested)

Mr. Evans moved to suspend the three reading rule. Mr. Thackery seconded. Mr. Paul called roll for the suspension of rules: Mr. Pena, yes; Mr. Hoffman, yes; Mr. Fields, yes; Mr. Evans, yes; Mr. Paul, yes, Mrs. Smith, yes; and Mr. Thackery, yes. Motion carried 7-0. Mr. Evans moved to put this resolution on the floor for discussion and possible passage. Mr. Thackery seconded. Mrs. Boettcher stated that the estimated revenue is in the amount of \$675,700. Mr.

Paul called for a roll call for passage: Mr. Hoffman, yes; Mr. Fields, yes; Mr. Evans, yes; Mr. Paul, yes; Mrs. Smith, yes; Mr. Thackery, yes; and Mr. Pena, yes. Resolution passed 7-0.

RESOLUTION NO. 2467-15

A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION OF THE CITY OF URBANA TO COLLABORATE WITH THE SUPERINTENDENT OF URBANA CITY SCHOOLS TO DEVELOP AN AGREEMENT FOR THE JOINT CONSTRUCTION OF PUBLIC INFRASTRUCTURE TO ENHANCE PUBLIC HEALTH AND SAFETY WITH RESPECT TO THE PLANNED SITE OF THE PRE-K THRU 8 SCHOOL.

Mr. Brugger stated that the school district's conditional use was approved by the Board of Zoning Appeals on three conditions:

1. The district shall conform to City's engineering standards for the construction of all publicly dedicated infrastructure.
2. The district shall continue to work with the City to minimize overall project impact, including traffic related improvement such as turn lane improvements and a possible traffic signal at Community Drive and East U.S. Route 36.
3. The district shall develop an agreement with the City in accordance with R.C. 715.02 for the joint construction or management of public work, utility, or improvement.

Mr. Brugger said the resolution would give him the latitude to prepare an agreement as required by the third condition, and such an agreement will require approval of Urbana City Council and the Urbana City Board of Education. Mr. Brugger also stated that this will allow the City to work with the Superintendent to try to finalize infrastructure and improvement issues.

Mr. Evans stated that he has heard a lot of concerns about traffic on Boyce Street. He further said that should any citizen desire to speak out about their concerns about the Boyce Street entrance, they should attend the Planning Commission meeting scheduled for October 26, 2015, so their concerns could be heard and possibly discussed.

Mr. Crabill stated that Community Drive, according to the preliminary plan, is the predominant entrance to the school, and the Boyce Street would be for buses and school staff. Mr. Hoffman asked if there was going to be a light at the entrance of Community Drive and Mr. Crabill stated that there was going to be a traffic light at this entrance. Mr. Evans asked since the buses would be traveling on Boyce Street, can the street itself uphold the travel. Mr. Bumbalough stated that there were some parts on Boyce Street that were not good for the travel expectancy. Mr. Brugger added that there had been a lot of good discussion over the past few weeks between the City and the School District and this communication needs to continue to keep moving this project forward. Mr. Paul declared this resolution to have a first reading.

ORDINANCE NO. 4449-15

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF URBANA, OHIO BY REZONING THE 2.052 ACRES ANNEXED INTO THE CITY OF URBANA, OHIO ON SEPTEMBER 8, 2015.

Mr. Crabill stated that there would be a public hearing on Tuesday, October 20, 2015 at 6:45 p.m. and the amendment of the official zoning map for the Dollar Tree property will be the issue. Mr. Paul declared this ordinance to have a first reading.

MISCELLANEOUS BUSINESS:

Mr. Evans complained about the grass re-seeding issue related to water main replacements on Amherst Drive and expressed the opinion that the City should withhold payment from the contractor until the company fixes the bare spots.

Mr. Pena asked who has the responsibility of cleaning the rain gutters and catch basins in the street, and Mr. Brugger stated that it is the responsibility of the property owner.

Mr. Hoffman stated that the leaves were beginning to drop and residents may take them to the compost facility. Mr. Brugger added that the compost facility is open through November.

Mrs. Boettcher said that the City received approximately \$4,100 back from the state for the road salt settlement. She also stated that the new income tax ordinance is coming to comply with the House Bill 5 rules imposed by the state last year. Ms. Parcels encouraged council members to prepare questions in advance as it will be a very lengthy ordinance.

Mr. Brugger spoke of the possibility of hosting the next work session, scheduled for October 27, 2015, at the Wastewater Treatment Plant as it would give an opportunity to see the new facility.

Mayor Bean spoke of the weekend festivities stating the Chili Cook-Off and the Hoopla Parade was a lot of fun and that there were approximately 3,000 to 4,000 people downtown.

Mrs. Smith reminded her Fourth Ward constituents she is their representative on council until January 1, 2016 and encouraged residents to vote.

Mr. Paul spoke of the budget meetings coming up.

Mr. Fields moved to adjourn. Mr. Evans seconded. Voice vote on approval: all ayes, nays, none. Motion carried.

ADJOURN at 7:59 p.m.

NEXT SCHEDULED MEETING

October 20, 2015, at 7:00 p.m.



Council Clerk



Council President