

**URBANA CITY COUNCIL
REGULAR SESSION MINUTES – JULY 12, 2011**

Council President Marty Hess called the Urbana City Council Regular Session Meeting of Tuesday, July 12, 2011 to order at 7:04PM, in Court Chambers/The Municipal Building.

Attendance: All Councilmen were present with the exception of Mr. Larry Lokai.

City Staff in Attendance: Mayor Ruth Zerkle; Mr. Bruce Evilsizor, Director of Administration; Mr. Lee Williams, Finance Director; Mr. Doug Crabill, Assistant to the Director of Administration; Mr. Chad Hall, Mr. Robert Munch, Interim Police Chief Matt Lingell

Roll Call and Pledge of Allegiance

Approval of Minutes

Mr. Robert Thorpe moved to approve the UCC CDBG Public Hearing Minutes (June 28, 2011), the UCC COAF Public Meeting Minutes (June 28, 2011), and the UCC Regular Session Minutes (June 28, 2011); Mr. Eugene Fields seconded. Motion carried without objection.

Communications

Mr. Fields moved to place the correspondence of June 28, 2011, from the Ohio Department of Liquor Control regarding renewal of application – Cassano’s Inc. DBA Cassano’s Pizza and Subs, 154 Jefferson Ave. & Patio, Urbana, Ohio, on file; Mr. Thorpe seconded. Motion carried without objection.

Administrative Reports – Board of Control

1.

Mr. Steve Shaw moved to authorize a purchase order to Urbana Materials in the amount of \$20,000 for fill gravel for water digs (This will be charged to the Water Department, and is in the 2011 Budget); Mr. Fields seconded. Motion carried without objection.

Discussion –

Mr. Robert Munch addressed Council noting that gravel/sand is needed to fill excavations ‘in order to keep the road from collapsing.’

“This is a guesstimate—is that right?” asked Mr. Thorpe.

“It’s to get us by for awhile—it’s the second one of the year, which beats last year,” said Mr. Munch.

“When it says, ‘it’s in the Budget’—I’m assuming then it’s in the Budget...it’s okay...we haven’t exceeded our Budget amount?” asked Mr. Kerry Brugger.

“That’s correct,” replied Mr. Lee Williams.

2.

Mr. Brugger moved to authorize a purchase order to Dye & Doss Insurance in the amount of \$4,080 to renew the liability insurance at the Airport (This will be charged to the Airport, and is in the 2011 Budget); Mr. Thorpe seconded. Motion carried without objection.

Discussion –

Mr. Steve Shaw asked, “Is this any higher, or the same as last year?”

Mr. Williams said, “The same.”

Mr. Bill Bean added, “This price hasn’t changed for quite some time—it’s been about the same for the last decade.”

“Is the coverage adequate?” asked Mr. Brugger, also saying the coverage ‘seems a little low.’

Mr. Williams replied, “The coverage hasn’t been challenged, hasn’t been used...that’s probably why the rate’s low...to Bill’s point, I don’t think we’ve had...and I can’t speak from beyond 2 years back...”

“I really can’t recall any claim,” said Mr. Bean.

“Ever,” Mr. Williams interjected.

“We run a safe Airport,” Council President Hess added.

3.

Mr. Shaw moved to authorize an increase to the blanket purchase order to Momar in the amount of \$5,000 for the purchase of WWTP supplies (this will be charged to the WWTP, and is in the 2011 Budget); Mr. Thorpe seconded. Motion carried without objection.

Discussion –

Mr. Chad Hall explained this item noting, “Most of this is our smaller purchases of chemicals for the Plant.”

4.

Mr. Fields moved to authorize a purchase order to Rees Welding in the amount of \$4,300 for the purchase and installation of a guard rail at the Russell St & Twain Ave, intersection (This will be charged to Street Department Capital, and is in the 2011 Budget for \$3,000); Mr. Thorpe seconded. Motion carried without objection.

Discussion –

Mr. Brugger stated:

“I’ve got a few questions—first of all, I drove through it...and I’m not sure...I think I know where the intersection of Twain and Russell is, but I’m not sure where the guard rail is going, and why.”

Mr. Bruce Evilsizor replied:

“Just right of the inside corner of Twain and Russell (the Piper residence), so it would kind of be across the street from the chiropractor office...um, just something that’s been on the list for (I guess) the last 5 years...we found (when it was first reported) there 5 years or so ago, that just over a period of time the street and traffic just kind of...kept cutting into the person’s yard there, and I think when Mike looked at it a couple of years ago, we were 6 feet into the person’s yard (the pavement was 6 feet into the person’s yard)...so Mike worked with the property owner there, and got the right-of-way to come back and I guess to legally be on their property there for the traffic...and then also with the plan of putting a guard rail in there to prevent further erosion into the person’s property. We first talked to Rees Welding there (probably about 2 years ago)—I think the estimate that’s attached (which that’s a firm price)...I think it was ‘010, but we talked to him probably about 2 years ago about doing this. We’ve been working with him...Rees Welding has done other work for us, as far as (you know) the Muzzy Rd. Bridge...and then he does guard rails and a lot of different other things, I think, as you know...so we did get comparable prices, and somebody that has done bridgework/ road work for us before...so we’ve kind of been working with him, so we didn’t get comparable prices...but if that’s something that Council thinks that we need to go back and do (we can go back and do that)...but we decided to go ahead, and just present Rees Welding there to do this for \$4,300. The \$3,000—just at Budget time, we just wanted to get it into

the Budget so we can say, 'This is a project for 2011,' so...just kind of picked a number, put \$3,000 into the Budget..."

"So the quote was May of last year?" asked Mr. Brugger.

"Yes," answered Mr. Evilsizor.

"Okay—so we could've had \$4,300 in there—the Budget didn't come up until later to okay," said Mr. Brugger.

"Yeah—probably what happened was just...in working with the Capital Budget one day (you know, in just quick conversation) I probably just said, 'I'll throw \$3,000 in there without tracking the information down.'"

Mr. Brugger questioned the payment terms ('Due on Receipt'), and the cash flow.

"It would be nice to have a 30 day window," he said.

Mr. Bean said, "I just--guess I'm kind of a little perplexed about doing it—you know, having a guard rail there...because (you know) you go 1 block over on Russell and Taft...everybody's making their turn, and you've got to put in a guard rail on Twain...I just...I don't understand."

Mr. Evilsizor replied, "Yeah—I know we were looking at options there a couple of years ago—we looked at squaring off the intersection (going back and squaring it off)...we kind of looked at the traffic flow, and what people are used to...but yeah (I think if we don't do anything) there will just be further encroachment on the property. I think this will be the safest way...to minimize our liability...I think a guard rail would probably do that best."

"Now—is the guard rail going to be on their property, or City property?" asked Mr. Bean.

"It will be on City property, or this right-of-way...we talked about putting big rocks there..." said Mr. Evilsizor.

Mr. Bean questioned, "A hedge?"

Council President Hess said, "I was curious why we didn't do this."

Mr. Evilsizor answered, "We thought it would be best done by Rees Welding...I guess he does guard rail, and it's part of his business...and we just thought to get a good job (not that our guys can't get a good job), but they don't do it all the time...so I think (yeah) leave it up to the expert."

"What would be the price if we were to put curb in there/gutter?" asked Mr. Brugger.

"I think the downside to curb and gutter was there's no storm sewers (if I remember right, I'd have to check with Mike), but there was nowhere for the water to go," said Mr. Evilsizor.

5.

Mr. Bean moved to authorize a purchase order to Motion Industries in the amount of \$6,307.63 for the purchase of a Roots Blower for the primary digester at the WWTP (This will be charged to the WWTP Improvement Account, and is in the 2011 Budget);

Mr. Thorpe seconded. Motion carried without objection.

Discussion –

Mr. Chad Hall explained the purchase, bid process, and added, "This blower basically aerates our digester tanks, so it's pretty much a necessity."

Citizen Comments

Mrs. Dorothy Moore (address not given) addressed Council/The Administration regarding clarification of Resolution No. 2332- Revised/Tabled. She questioned whether there would be Federal assistance, construction, and 'taking of my drive.'

Mr. Bruce Evilsizor responded:

“I know like any expenditure over \$2,500 would have to come back to Council, so I think this is standard language...and you know maybe it’s used by the FAA, so I guess you know if there’s any contracts we need to sign with FAA...you know we can go ahead and do that under this, but any expenditures for any of the project type work—it would have to come back to Council.”

“So right now—this is almost like minor money—what I would call it,” Mrs. Moore said.

“This would be I guess to say that it’s okay to go ahead and apply to the FAA for the Airport money,” Mr. Evilsizor replied.

“Thank you, Bruce,” Mrs. Moore said. (She exited the Meeting following her remarks).

Ordinances and Resolutions

Third Reading –

RESOLUTION NO. 2332 – Revised/Tabled at 2nd Reading, May 10, 2011, UCC Regular Session Meeting

A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION OF THE CITY OF URBANA, TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE FEDERAL AVIATION ADMINISTRATION AIRPORT IMPROVEMENT PROGRAM AND TO EXECUTE CONTRACTS AS REQUIRED

The Clerk asked whether this Resolution would remain TABLED. Council President Hess replied affirmatively.

Mr. Bean asked Mr. Doug Crabill if this Resolution should be taken off the TABLE to explain what is going on.

Mr. Crabill said, “Yeah, that would be good if we could take it off the TABLE at least for discussion.”

Mr. Bean moved to take Resolution No. 2332 off the TABLE; Mr. Thorpe seconded.

Motion carried, with (1) objection by Mr. Al Evans.

Mr. Crabill said:

“Mr. Bean stopped in today to ask me about what was in this grant, or what could be potentially in this grant. The answer is—that’s still to be determined. What I suggested to him was that the Airport Advisory Board meets next week—it will be able to narrow down what is exactly in this grant application. As far as I understand, it’s due sometime in August...so what I suggested to Mr. Bean was to try to take it off the TABLE, and have a Second Reading of the Resolution...and then prior to the Third Reading, we would provide you with the information as to what the grant was going to be used for (which would probably be the next Meeting, since the Airport Advisory Board meets next week)...so the thinking was basically to let it have its Second Reading, and then on the Third Reading you would have more information before you actually voted on that...and if it becomes necessary to re-TABLE it again on the Third Reading (because of lack of information—that may happen), but just something we talked about to try to keep the process moving, at least to get it through the Second Reading...”

To clarify too—the Resolution itself is basically just to apply for the money—it doesn’t specify an amount, it just basically specifies that Bruce is authorized to submit an application to the FAA for Airport Improvement Program Funds for whichever fiscal year this would be for. That’s all it says—it doesn’t spell out an amount, or anything.”

Mr. Evans stated:

“I beg your pardon—the reason we TABLED that is because of the language in the Resolution that stated, ‘to fund projects like’ (If I remember correctly—I don’t have an original copy of the Resolution)...but it said, ‘to fund projects like the next phase of the runway expansion’...which the next phase of the runway expansion is taking Mrs. Moore’s driveway...and the reason I made a motion to table the Resolution was because I didn’t think we should be passing a Resolution with language in it like that...when the City has never come to an agreement with Mrs. Moore about how we’re going to deal with...taking her property! Should have you made any progress with negotiations with Mrs. Moore, Bruce?”

“Um—no we haven’t—no,” Mr. Evilsizor responded.

“...and how long has it been TABLED? Several weeks—am I correct?” asked Mr. Evans.

“May 10th,” said Mr. Evilsizor. “...and we worked with Dorothy for I guess the last 5 years, and we’ve had probably a...10 meetings or so...”

“Yes, I know you have—but you haven’t worked with her recently—and that’s why she comes here every week, is because she wants someone to tell her what the City proposes to do...and how they propose to remedy her situation...and you haven’t done that (since the Resolution’s been TABLED)!” stated Mr. Evans.

“Yeah,” said Mr. Evilsizor.

“You understood that I was trying to get you to negotiate with her—that that’s why I made a motion to TABLE it, but you haven’t done that!” Mr. Evans said. “Have you taken that language out of the Resolution?”

“I beg to differ on the language—I would have to double check—we provided you with a sheet that had (what they call) a pre-application, and that’s what had all the budget figures in it,” Mr. Crabill interjected. “The Resolution itself (to my knowledge) is generic, so...”

Mr. Crabill said he would double check the language.

“Well, I’ll check on it—I believe I did read some examples about projects that that money could be used for, and I believe that it didn’t specifically mention anything about Mrs. Moore’s property,” said Mr. Evans.

Mr. Crabill said, “No, it says something about the Airport layout plan.”

“Well—runway extension—and if you look at the drawing (that we have) the next phase of the runway extension, is the one that takes the runway approach (not the runway)...the runway approach out past her drive, am I correct?” asked Mr. Evans.

“Yes,” answered Mr. Evilsizor.

“So—my thinking was—how can we pass a Resolution that had language about moving to the next phase of runway extension, when we haven’t settled the issue with Mrs. Moore,” stated Mr. Evans.

Mr. Crabill again said, “Alright--I’ll review the language of the Resolution, so...my understanding was that it wasn’t in there where it spelled out what was going to be done. You received that as an attachment...”

“There was examples,” added Mr. Evans.

“That was the pre-application...so I guess, I thought is (again) we’re probably going to end up doing pavement repair with this program...and (you know) I don’t know exactly what the due date is in August, so the thinking was to try to...I mean, again it could end up being TABLED on the Third Reading, but...” stated Mr. Crabill.

“Well, my thinking was--it wasn't due until August, and the Administration would have ample time to work something out with Mrs. Moore!” Mr. Evans emphasized.

Mr. Evilsizor replied, “Yeah, I think we've learned since the First Reading that the money's not going to be there from the FAA for anything major...so I think it became a moot point as far as (you know) addressing it right now...it needs to be addressed at some point in time, but...”

“So, you're going to tell me now that the money that we're going to apply for from the FAA is not going to be used towards the next phase of the runway extension?” asked Mr. Evans.

“Um—yes—it's my understanding that a...a...that that funding's not available, that there's no reason to apply for that,” answered Mr. Evilsizor.

“So this Resolution does not include the extension of the runway for the next phase?” Mr. Evans sought to verify.

“It's safe to say that—yes,” replied Mr. Evilsizor.

“Thank you,” said Mr. Evans.

“We'll know exactly what it will be for at the next Meeting—that's why (I'm pretty sure) it's a generic Resolution,” said Mr. Crabill.

Mr. Brugger asked, “Just a point of clarification (if I'm reading this right) it was TABLED at the Second Reading...it didn't have a Second?”

“Correct,” Mr. Crabill said.

Mr. Thorpe called for a vote.

“We haven't discussed it yet,” said Council President Hess.

“The reason I brought it up is because...there needs to be some repairs at the Airport, and (after talking with Doug)...it seemed like the issue with Dorothy Moore is off the table...and that's why I brought it up,” said Mr. Bean. “We could use the money from the FAA to do some repairs at the Airport (depending on what the Airport Advisory Committee wants to do)...and I just thought if we could get it off dead center, and move it ahead (providing we know that this whole issue with Dorothy Moore is removed—it's not part of this grant)...I would just really like to wait until...probably our next...Work Session (which would be next Tuesday).”

“Right—that would be okay—one thing I would suggest, if the wording is specific...maybe we would submit a revised version,” said Mr. Crabill.

“Yes,” said Mr. Evans.

“If that's there,” Mr. Crabill added.

“Because I would like to see it out—if it's in there,” said Mr. Bean.

“If it is generic—(let's say we'd have to make a revision), we'd still end up back at the Second Reading, so...” said Mr. Crabill. “I'm not sure—whatever you guys want to do—it's just...we're going to reach a point where we're going to have to go...to do something.”

“I would hate to lose the opportunity to get the money to get the money from the Feds, just because of this issue with Dorothy...and if that's not going to happen, then I think we ought to move ahead with it,” stated Mr. Bean.

“As long as it doesn't affect Mrs. Moore, with her situation right now...we can go ahead and take it off the TABLE, so that we're ready with this Resolution when it needs to be sent,” stated Mr. Fields.

“I think the Airport Advisory Board meets next Tuesday, so we’d be able to update you at Work Session as to what is actually going to transpire under the grant,” said Mr. Crabill. “Like I said, if the wording’s worded a certain way...then we’ll have to go back to a Second Reading anyway...”

“Do you want to bring it to the Work Session, or do you want a Second Reading tonight?” asked Council President Hess.

“A Second Reading would be better, and then if there’s a change that’s going to be made it’s going to have to go back to the Second Reading anyway,” said Mr. Crabill.

Council President Hess said he needed a motion.

The Clerk and the Mayor (both) said, “It’s off the TABLE.”

“It’s off the TABLE, but I still need a motion...or I can just declare it a Second Reading,” said Council President Hess. “It’s off the TABLE...more discussion?”

(To Mr. Evilsizor) Council President Hess asked, “If Council passes this Resolution (that says you can execute the contract)—Council’s out of it—correct?”

Mr. Evilsizor answered, “This would just be a contract (I guess it’s mentioned here)...it would just be a contract with the FAA to apply for the money...then once they agree (they sign the grant agreement)...but yeah, anything after that would still have to come back to Council for approval.”

“So—if they would say “Here’s(just picking a number)‘\$1,000,’ and then Council could say, ‘We’d like to spend it here and here’...or Council or the Advisory Committee could say we need this, this, and this...or do they say, ‘You have to do the expansion of the runway’?” asked Council President Hess.

“If I recall the wording of the Resolution—I think it’s basically what Bruce says to sign off on the grant when the grant is received,” said Mr. Crabill.

“So once we get the money, we can do with it as we can do?” asked Council President Hess.

Mr. Crabill briefly explained, and said, “As expenditures come forward then those come to Council.”

“Because if this is expansion of the runway, it’s going to be a lot of money...and we don’t have a lot of money to put into on our match,” said Council President Hess.

“Right,” said Mr. Crabill.

“That’s correct,” Mr. Williams added.

“It’s kind of like—we’d love to expand our Airport, but we don’t have a million dollars for our match,” said Council President Hess.

“I think ‘to execute contracts as required’ is language I pulled from another grant application basically saying we could accept the grant, and return it,” Mr. Crabill said.

“Doug--what’s the total amount of the grant?” asked Mr. Bean.

“Oh--I honestly don’t know for sure,” Mr. Crabill answered. “I know there’s a set allocation for the year, and then money that’s carried over from year to year can make that amount higher than we actually asked for...but it doesn’t look like we’re going to get the ODOT grant for the pavement repair, so (we still haven’t received a letter from them yet)...but we’re pretty sure we’re not funded for that, so...”

“When we apply for that grant, don’t we have to specify what we’re going to use that money for?” asked Mr. Fields.

“Yeah, you have to have a budget—yeah, it’s right in the application,” said Mr. Crabill.

“So as long as it’s not specified for runway expansion,” said Mr. Fields.

“Yeah, it will probably say, ‘pavement repair,’ or ‘pavement repair (and a certain amount),’” said Mr. Crabill.

“Okay,” said Mr. Fields.

Council President Hess declared this RESOLUTION 2332 to have had a Second Reading, and (to Mr. Crabill) said, “You’ll bring us back more information?”

“Yes,” replied Mr. Crabill.

RESOLUTION NO. 2334 – (PID 82454)

A RESOLUTION TO RESCIND RESOLUTION NO. 2200 DUE TO A CHANGE IN WORK LOCATION AND TO AUTHORIZE PRELIMINARY APPROVAL BETWEEN THE CITY OF URBANA, OHIO AND THE OHIO DEPT. OF TRANSPORTATION FOR PAVEMENT PLANING AND RESURFACING OF U.S. ROUTE 68 FROM REYNOLDS ST. TO LAUREL/OAK ST. WITHIN THE CITY OF URBANA (CHP-US68-6.37)

Mr. Evans moved to place Resolution No. 2334 on the business floor for discussion and passage; Mr. Shaw seconded.

Roll call vote to approve: Mr. Thorpe, yes; Mr. Bean, yes; Mr. Fields, yes; Mr. Evans, yes; Mr. Brugger, yes; Mr. Shaw, yes (6-0)

RESOLUTION NO. 2335 – (PID 91168)

A RESOLUTION TO AUTHORIZE PRELIMINARY APPROVAL BETWEEN THE CITY OF URBANA, OHIO AND THE OHIO DEPT. OF TRANSPORTATION FOR PAVEMENT PLANING AND RESURFACING OF U.S. ROUTE 68 FROM STATE ROUTE 55 TO REYNOLDS ST. WITHIN THE CITY OF URBANA (CHP-US68-5.65)

Mr. Shaw moved to place Resolution No. 2335 on the business floor for discussion and passage; Mr. Fields seconded.

Roll call vote to approve: Mr. Bean, yes; Mr. Fields, yes; Mr. Evans, yes; Mr. Brugger, yes; Mr. Shaw, yes; Mr. Thorpe, yes (6-0)

Discussion –

Mr. Evans commented about ‘a lot of marking up on No. Main,’ and asked, “Is that for this project?”

Mr. Crabill noted the Gas Company is doing the marking (with the lines in anticipation of the storm project).

“The Gas Company has to lower their lines before we do the storm work this Fall, so that probably what that’s for,” said Mr. Crabill.

“The lines on Miami St.—same story?” asked Mr. Thorpe.

“Yes,” said Mr. Evilsizor.

“Yeah, Miami St. is actually on the paving list for next year—I believe,” said Mr. Crabill.

“So—all the digging is trying to be accomplished prior to. That’s one reason Oakland St. is not paved yet this year—the ramps are going in, also gas.”

RESOLUTION NO. 2336 – (PID 91177)

A RESOLUTION TO AUTHORIZE PRELIMINARY APPROVAL BETWEEN THE CITY OF URBANA, OHIO AND THE OHIO DEPT. OF TRANSPORTATION FOR PAVEMENT PLANING AND RESURFACING OF U.S. ROUTE 68 FROM LAUREL/OAK ST. TO THE NORTH CORPORATION LIMIT WITHIN THE CITY OF URBANA (CHP-US68-7.17)

Mr. Fields moved to place Resolution No. 2336 on the business floor for discussion and passage; Mr. Evans seconded.

Roll call vote to approve: Mr. Fields, yes; Mr. Evans, yes; Mr. Brugger, yes; Mr. Shaw, yes; Mr. Thorpe, yes; Mr. Bean, yes (6-0)

Discussion –

Mr. Shaw asked, “Where is the North Corporation Limit?”

“North of the Airport,” said Mr. Crabill.

RESOLUTION NO 2337 –

A RESOLUTION TO AUTHORIZE MAKING APPLICATION TO THE OHIO DEPT. OF DEVELOPMENT UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) COMMUNITY DEVELOPMENT PROGRAM

Mr. Fields moved to place Resolution No. 2337 on the business floor for discussion and passage; Mr. Evans seconded.

Roll call vote to approve: Mr. Evans, yes; Mr. Brugger, yes; Mr. Shaw, yes; Mr. Thorpe, yes; Mr. Bean, yes; Mr. Fields, yes (6-0)

Second Reading -

RESOLUTION NO. 2338 –

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 PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED (*Read and declared a Second Reading)

Discussion –

Mr. Crabill explained the Resolution.

Mr. Fields asked whether passage was requested at this Meeting.

Mr. Crabill said, “No.”

RESOLUTION NO. 2339 –

A RESOLUTION ADOPTING THE TAX BUDGET OF THE CITY OF URBANA, OHIO, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2012; SUBMITTING THE SAME TO THE COUNTY AUDITOR

Mr. Evans moved to suspend the rules on three readings; Mr. Bean seconded.

Roll call vote to approve suspension: Mr. Brugger, yes; Mr. Shaw, yes; Mr. Thorpe, yes; Mr. Bean, yes; Mr. Fields, yes; Mr. Evans, yes (6-0)

Mr. Evans moved to place Resolution No. 2339 on the business floor for discussion and passage; Mr. Brugger seconded.

Roll call vote to approve passage: Mr. Shaw, yes; Mr. Thorpe, yes; Mr. Bean, yes; Mr. Fields, yes; Mr. Evans, yes; Mr. Brugger, yes (6-0)

First Reading –

ORDINANCE NO. 4363 –

AMENDING PART 5 – GENERAL OFFENSES CODE AND ADOPTING CHAPTER 513, PROHIBITING THE MANUFACTURE, POSSESSION, USE, EXCHANGE, SALE, DISTRIBUTION OF SYNTHETIC CATHINONES (MORE COMMONLY KNOWN AS “BATH SALTS”) AND SYNTHETIC CANNABINOIDS (MORE COMMONLY KNOWN AS K2, K3, ETC.) AND OTHER SYNTHETIC DRUGS AND THEIR DERIVATIVES AND SUBSTITUTED FORMS AND DECLARING AN EMERGENCY

Mr. Shaw moved to suspend the rules on three readings; Mr. Thorpe seconded.

Roll call vote to approve suspension: Mr. Thorpe, yes; Mr. Bean, yes; Mr. Fields, yes; Mr. Evans, yes; Mr. Brugger, yes; Mr. Shaw, yes (6-0)

Mr. Fields moved to place Ordinance No. 4363 on the business floor for discussion and passage.

Roll call vote to approve passage: Mr. Bean, yes; Mr. Fields, yes; Mr. Evans, yes; Mr. Brugger, yes; Mr. Shaw, yes; Mr. Thorpe, yes (6-0)

Discussion –

Interim Police Chief Matt Lingrell addressed Council concerning history of and reasons for presenting this Ordinance. He explained that the “evil” has come to Urbana with at least 3 different episodes (once with bath salts, and twice with ‘legal weed’). It was noted that the Attorney General has forwarded legislation to the Governor of Ohio (and it is awaiting signature).

“What I’d like to do is go forward with legislation, so we can have something here in Urbana that we can use,” stated Interim Chief Lingrell.

With Council’s approval, it would be a first-degree misdemeanor in Urbana to manufacture, possess, use, exchange, sell, or distribute synthetic cathinones, synthetic cannabinoids, and other synthetic drugs/their derivatives/or substitutes.

Interim Chief Lingrell described stories involving users, and warned users can have hallucinations, become paranoid/suicidal, and can be confrontational.

Mr. Bean commented that Interim Chief Lingrell provided an excellent presentation.

ORDINANCE NO. 4364 –

AN ORDINANCE TO ESTABLISH A WATER DISTRICT UNDER OHIO REVISED CODE SECTION 727.44 TO BE KNOWN AS THE SOUTH MAIN ST./U.S. ROUTE 68 SOUTH WATER DISTRICT INCLUDING REGULATIONS FOR WATER USE IN THE DISTRICT AND DECLARING AN EMERGENCY

(*Read and declared a First Reading)

Discussion –

“This is the water line on South Main—this is a similar Ordinance to what we passed a year ago for the CT Communications...basically patterned after that,” said Mr. Crabill.

“What I passed out to you before the meeting...the Exhibit A is referred to in the Ordinance (it’s what spells out the cost recovery formula).”

Mr. Crabill acknowledged that he needs to review further before the Ordinance goes forward, and he explained the replacement line/new line.

Mr. Evans asked, “I see a list of property owners—are they going to be immediately assessed?”

“No—it’s voluntary if they come later, and they say they want to hook into the City’s water system...because this Ordinance would be on the books, they would pay that in cost,” answered Mr. Crabill.

“To hook up to...” Mr. Evans began.

“In addition to tap fees/capacity fees,” said Mr. Crabill.

“That would be...water and sewer?” asked Mr. Evans.

“Just water,” replied Mr. Crabill. “Sewer’s already built , and it’s built in a different way so this would just be the water.”

“Now (just for information sake)—do these folks know that...are they aware of this?” asked Mr. Evans.

"I think they know that the line's coming down there," said Mr. Crabill. "Again, we're not going to force anybody to hook up to the water line."

"Just for information—what would be the advantages for any business to pay...or any property owner to pay \$15,000 to hook up on the City?" asked Mr. Evans.

Mr. Crabill answered:

"Well, if you look at the individual pricing like for some of the...and this pricing's probably about right...on the CT project it finished out about, I think it was forty-three something a lineal foot. If you look at what they would have put into a water system (if they would have to do a water system, it might be a little bit more than that, but if you had like a vacant lot (you know, where development could happen)...they'd have to put the line in anyway."

Mr. Evans said, "So—essentially if currently they have...let's say a working well (and for some reason, their well goes bad—or whatever) they wouldn't have to worry about these fees until they hooked onto the system."

"Right—whenever they would make application," said Mr. Crabill.

"I think (just to pick up on that) is that—assuming down the road (a couple 2-3 years) somebody's well does go bad—it just doesn't have any language where they're required to hook up," stated Mr. Brugger.

Mr. Crabill said, "I can't speak to that—I don't know how that's regulated (if a well were to fail)—I know on the sewer, they would have to go to the nearest sewer line (or put a new sewer system in)."

Mr. Robert Munch noted no State law requiring water hook up.

"If it's within the City limits I can force them to hook up—wells outside the City, we can't," stated Mr. Munch.

"So—theoretically, they can dig another well on their property," said Mr. Evans.

"Yes—absolutely," Mr. Munch responded.

"Okay," said Mr. Evans.

Mr. Fields said, "What's the wording out there on 55?"

Mr. Munch explained in reference to Honeywell.

"You're crossing 68 at Campground Rd.?" asked Mr. Thorpe.

"Campground Rd. has to be crossed (which is 64 ft.), and there's a 90 ft. crossing out between VanCrest and the school," said Mr. Crabill.

"But you're still going along south on the east side," Mr. Thorpe added.

"The east side is going to stop at the point where it crosses to go to the other side," answered Mr. Crabill.

"At Campground?" asked Mr. Thorpe.

Mr. Crabill replied:

"Campground—it has to cross the frontage of Campground—the line would be on the east side of the road, and basically dig up Campground Rd. (or its whole) right-of-way width...and then continue on south on the east side...and then when you head out..."

"You're crossing from west to east at Campground Rd.," stated Mr. Thorpe.

"West to east would be further out between VanCrest and the school (Lawn View School)," answered Mr. Crabill. "It will stay on the east side of the road until you get to that point between Van Crest and the school (and then there's a crossing there)."

"What's the administrative fee?" asked Mr. Fields.

Mr. Crabill replied, “That recovers our costs basically legal advertising, all the hours that all of us have in it in an administrative project like this...and then also we had to apply to get a permit to install from Ohio EPA.”

He added, “It does make the property more marketable—one of the properties on 36 is now being marketed as ‘Water and Sewer Available.’”

“Did they realize they had out of the City rates?” asked Council President Hess.

“That one’s right beside the City, so it could be annexed,” said Mr. Crabill.

RESOLUTION NO. 2340 –

A RESOLUTION DECLARING THE OFFICIAL INTENT AND REASONABLE EXPECTATION OF THE CITY OF URBANA ON BEHALF OF THE STATE OF OHIO (THE BORROWER) TO REIMBURSE ITS GENERAL FUND AND/OR WATER CAPITAL IMPROVEMENT FUND FOR THE SO. MAIN ST. WATER MAIN EXTENSION (OPWC PROJECT CK190) WITH THE PROCEEDS OF TAX EXEMPT DEBT OF THE STATE OF OHIO

(*Read and declared a First Reading)

Mr. Crabill explained:

“This is a formality—when we get the loan agreement from OPWC (which we did right after July 1st)—they make you check a box before you return it. We haven’t signed the agreement and returned it yet—they make you check a box that says you ‘anticipate having to go through this process,’ or you don’t. They tell you as a back up to pass this Resolution (that way you have it). More than likely we will not use this Resolution. Probably the only thing the loan’s going to go towards is the instructional cost. The City’s not going to ask for any more money from the loan program back—but this is just in case we would need it for some reason. This has to be in place.”

RESOLUTION NO. 2342 –

RESOLUTION TO SUPPORT & CO-SPONSOR, WITH THE CHAMPAIGN COUNTY ENGINEER, THE CHAMPAIGN COUNTY U.S. ROUTE 68 PROJECT TRAC APPLICATION TO THE OHIO DEPT. OF TRANSPORTATION

Mr. Evans moved to place Resolution No. 2342 on the business floor for discussion and passage; Mr. Bean seconded. Motion carried without objection.

Discussion –

Mr. Crabill said, “After the Agenda came out on Friday, Frye (Mr. Fereidoun Shokouhi) called at 2:30 in the afternoon...and asked if this could be passed tonight.”

Mr. Crabill further explained the purpose of the Resolution, with no further questions from Council.

MISCELLANEOUS BUSINESS

Mr. Evans - Discussed a call rec’d from a resident (So. Main @ Henry) who noted that especially during the school year, a lot of traffic in the alley exits onto Henry (between So. Main and Windsor)
Traffic was described as ‘encroaching onto the tree/grass lawn, and it has eroded.’

(To Mr. Evilsizor) Mr. Evans said the resident feels that she had a commitment from the City to expand that approach.

“That doesn’t ring a bell, so I’d have to check into it,” Mr. Evilsizor stated.

Mr. Evans insisted the resident indicated a commitment was made in the presence of Mr. Evilsizor, Mr. Mike Heintz, and Mr. Colin Stein.

Mr. Fields - Nothing at this time
Mr. Bean - Nothing at this time
Mr. Thorpe - Discussed a call rec'd from a resident who would like to see the traffic lights on E. Lawn Ave. put on flash for the Summer, and requested the City do away with about half of the 4-way stops (Children's Home Rd., E. Lawn, Hill St., Kenton)
Mr. Thorpe said he agreed with the resident regarding the flashing lights on E. Lawn
Mr. Evilsizor said, "Yeah, I think we've done that before so we'll take a look at that."
Mr. Shaw - Nothing at this time
Mr. Brugger - Noted a resident asked him about potholes in the alley (where they were black-topped years ago)

"My understanding is that the City is not maintaining those—is that correct?" he asked.
Mr. Evilsizor replied, "No—we can maintain those the best we can...so yeah, they can report the location to Colin."

With all of the Summer activities (children-at play, bicycles, skateboards, roller skates, walkers, etc.), Mr. Brugger asked drivers to 'exercise caution, slow down, and be alert.'

Mr. Crabill - Nothing at this time
Mr. Munch - Nothing at this time
Mr. Hall - Nothing at this time
Mr. Williams - Nothing at this time
Mr. Evilsizor - Noted old Ordinances are currently being scanned by Donna (from Experience Works) dating back to 1914; Invited Council to stop by and see the scanned documents

Council President Hess asked, "How far back do those go?"

Council President Hess noted a friend gave him a book of Urbana Ordinances dating back to 1899.

Mayor Ruth Zerkle and Council President Hess –

Announced the Dairy Corner "I Pledge" Program on July 17, 2011—
Children (12 and under) can receive free ice cream for reciting 'The Pledge of Allegiance'

Council President Hess –

Discussed the City lot on E. Lawn, and suggested it could be utilized for a flower/vegetable garden

Discussed the water line (by *The Urbana Citizen*); Asked whether the sidewalk is going to be replaced, and what kind of curbing will be installed

"Are you going to replace all the water lines in the City eventually (halfway), and do the sidewalks?" he asked.

Mr. Munch responded, "We'll have to discuss that with each individual Council that comes along (as well as Administration). Right now we're planning 2 phases of a long series of projects. The phases after that haven't been planned, and will depend on available funding."

The issue of sidewalks was briefly discussed by Mr. Munch, Council President Hess, and Mr. Crabill.

Council President Hess expressed appreciation to Mr. Mike Heintz for his rapid handling of a recent incident.

EXECUTIVE SESSION

(At 8:20PM) Mr. Thorpe moved to adjourn to EXECUTIVE SESSION to discuss 'Economic Development' and 'Security'; Mr. Fields seconded.
Roll call vote to approve: Mr. Brugger, yes; Mr. Shaw, yes; Mr. Thorpe, yes; Mr. Bean, yes; Mr. Fields, yes; Mr. Evans, yes (6-0)

ADJOURNMENT

Following the Executive Session, Mr. Thorpe moved to reconvene to Regular Session and adjourn; Mr. Fields seconded. All were in favor of adjournment at approximately 9:20PM.

Council Clerk

Council President