

**URBANA CITY COUNCIL**  
**REGULAR SESSION MINUTES – SEPTEMBER 27, 2011**

The Urbana City Council Regular Session Meeting of Tuesday, September 27, 2011, was called to order by **Council President Marty Hess** at 7:00PM, in Court Chambers / The Municipal Building.

Attendance: All Councilmen were present

City Staff in Attendance: Mayor Ruth Zerkle; Mr. Bruce Evilsizor, Director of Administration; Mr. Chad Hall, Mr. Mike Heintz, Mr. Robert Munch, Mr. Colin Stein, Fire Chief Mark Keller, Police Chief Matt Lingrell

Mr. Lee Williams and Mr. Doug Crabill were absent.

**Roll Call and Pledge of Allegiance**

**Approval of Minutes**

Mr. Eugene Fields moved to approve the UCC Regular Session Minutes (September 13, 2011) and UCC Work Session Minutes (September 20, 2011); Mr. Larry Lokai seconded. Motion carried without objection.

**Communications**

Mr. Lokai moved to place the LUC Regional Planning Committee Executive Committee Meeting Minutes (September 8, 2011) on file; Mr. Fields seconded. Motion carried without objection.

**Administrative Reports – Board of Control**

**1.**

Mr. Kerry Brugger moved to authorize a purchase order to Pullins Drainage in the amount of \$10,181.90 for the installation of various size drain tile at the Moore's gravel pit farm (The tile is necessary to ensure 100% of the farm is available for rent during the growing season. This will be charged to WWTP Capital, and is not in the 2011 Budget); Mr. Fields seconded. Motion carried without objection.

Discussion –

Mr. Chad Hall addressed Council:

“Basically, this is the western half closest to the railroad tracks up at the Moore's gravel pit farm...this is going to go together with...the full project includes McGuire Farms, and the Taylor family property to the north. The way that everything kind of lays and drains up in that neighborhood...if they were to tile the Taylor Farm it all has to come through the City property to get to the ditch, and then make its way on out to the Mad River. This is probably the smallest section of the whole project as far as dollars go...About 15-18 acres was not planted in 2011 due to the heavy rainfall and poor drainage. It basically was non-production acreage that in return we will get paid (no cash rent payment).”

Mr. Robert Thorpe asked, “Right north of the lane going back...back about (what) oh about a yard or so...there's a ditch coming down through that property...are we talking about tiling into that?”

“No—this will be clear back to the railroad track...” Mr. Hall replied.

“Is there any possibility of that front corner, or back to the ponds—being farmed?” asked Mr. Thorpe.

Mr. Hall referred to the tight soil/solid gravel, and said, “I would have to have one of these drainage guys take a look at it. If you open it up, it's just like an underground river running up there.”

Mr. Hall explained the process involved with the tiling.

Mr. Lokai pledged support for the BOC item noting ‘a matter of economics,’ and advised Council to be proactive rather than reactive.

Mr. Hall indicated the tiling will help the whole area, and made reference to the monetary loss for 2011 outlined in his recent email to Council (\$2,500 - \$3,000).

Mr. Al Evans questioned whether a 3 year contract with the additional farmable land would recover the additional expense.

“Yeah—and another thing you’ve got to keep in mind—this contract expires in another couple months,” stated Mr. Hall. “I think if we want to continue to receive this kind of revenue off of this property (cash rent)—tile’s the name of the game!”

“Will this be in--in time to be able to negotiate the drained land into the price for rent?” asked Mr. Evans.

“Most guys that will bid on it will know about it...because of this meeting /the newspaper...they’ll know that we’re spending some money on the property,” said Mr. Hall. “I can’t guarantee what the bid contracts will come back in...”

“But it will be made known that that lost area is going to be able to be farmed?” asked Mr. Evans.

“Yes—yes,” said Mr. Hall.

“Now, where’s it going to drain to?” asked Mr. Fields.

“It drains right into the same creek that Mr. Thorpe was talking about there that runs along the north side of the drive—that creek continues through the whole property, and then get back to basically the river end, and then from there...it works its way down, and comes into the Mad River,” explained Mr. Hall.

“That’s on the far west side—right there at the railroad?” asked Mr. Bill Bean.

“Yes,” Mr. Hall replied.

“...and there’s another pond in there,” said Mr. Bean.

“Yes,” said Mr. Hall.

“Is it going to drain that pond?” asked Mr. Bean.

“No...” said Mr. Hall.

“...and then on the north side of the ditch...we’re going to be draining that also...or they’re bringing it to our ditch,” said Mr. Bean.

Mr. Hall defined the area.

Council President Hess noted talking to a farmer in the morning who said he was going to tile for approximately \$500. an acre, and asked, “Is that approximately the same thing we’re doing here?”

“This one’s about \$900.,” answered Mr. Hall. “It’s based on soil conditions. When you get into that dark muck soil, they put the tile laterals closer together versus some of the upper ground that’s north and east of here.”

## **2.**

Mr. Thorpe moved to authorize a purchase order to White’s Ford in the amount of \$40,177.80 for the purchase of a 2012 Ford F-350 dump truck equipped with a 9’ bed, and snow plow (This will be charged to Street Dept. Capital, and is in the 2011 Budget); Mr. Lokai seconded. Motion carried without objection.

Discussion –

Mr. Colin Stein explained:

“We’re replacing the 2<sup>nd</sup> of the 2 ton dumps (smaller dumps that we have)—discussed it among ourselves, and decided that those were the vehicles that we used more on a day-to-

day basis...and we needed to get them replaced...so we replaced 1 a year an a half ago with the red truck, and now this is replacing the other dump...that we have for the small dumps that haul our brush, coal mix, etc....and it also plows, especially the smaller streets that we can't get the big dumps down..."

"Gas or diesel?" asked Mr. Thorpe.

"Gas," answered Mr. Stein.

The truck was defined as a 6.2 liter V-8.

Mr. Evans asked, "The 8' bed versus a 9' bed—is a 9' bed that much better?"

Mr. Stein cited that much better capacity (an extra foot) to haul brush, the coal mix, etc.

"Now—was the 9' bed the spec for the bid?" asked Mr. Evans.

"Yes," said Mr. Stein.

"I just wondered why we had that alternative," said Mr. Evans.

"He just wrote that in as an option," replied Mr. Stein. "Our red truck that we got is also a 9' bed."

Mr. Evans questioned what will be done with the old trucks.

Mr. Stein noted that one might be kept, and the other, 'We will definitely have to get rid of—I'm not sure what we're going to do with that. We're either going to have to auction it out...I mean, we can try to put it on something like gov.com (or something like that), but by the way we're done with it they're pretty much...they'd be alright to a farmer to haul wood, or something like that, but...so we'll probably try to auction it maybe...'

### **Citizen Comments**

Mr. Carl Miller, 222 W. Light St. (or Mr. Haney's Furniture, 111 S. Main), addressed Council regarding an order issued to move his delivery truck parked in the lot adjacent to his business (Saturday, September 17), by Mr. Bruce Evilsizor and Police Division. Mr. Miller noted his own 'policing' of the lot next door, and his efforts to keep the sidewalk/alley swept when gravel from the lot travels to other areas. He said he feels 'singled out,' and noted that while his business is booming, the City has come down on him.

Mr. Miller stated that the lot is not being taken care of by the City. He questioned whether the alley could be switched to a one-way, and then further questioned why the movie was cancelled during the downtown activities that took place that same Saturday. Council President Hess replied that the Downtown Business Association is responsible for the activities downtown, and advised Mr. Miller to talk to that group. Council President Hess also advised Mr. Miller to sit down with City Administrator, Mr. Bruce Evilsizor for a discussion.

Ms. Aileen Horch, 312 Hill St., addressed Council regarding problems with the American Pan Co., located in the same residential area. She cited a 15MPH speed limit, and children at play in the area. Ms. Horch said traffic is going too fast, and added that residents yell at that traffic to 'slow down.' She told Council that (last year) her husband was previously hit by a red truck that 'was on the sidewalk, and left skid marks.'

Ms. Horch said the police are called constantly, and cited the area as a 'traffic nightmare, and not built for an industry.' She told Council that she would like to see the industrial area blocked off, speed bumps installed, and another road put in.

Daniel Reed, 315 Hill St., spoke to Council about the same problem. He added that his girlfriend and children have been 'cussed at, and threatened.'

“We called the Law, and it took them 5 hours to get a hold of us...and another 2 hours to come down,” he said.

Mr. Reed further described the situation, and Council President Hess advised that this is a police issue, not a Council issue.

Ms. Billie Markley, 315 Hill St., told Council the area needs to be blocked off, and also complained that police did not show up for 4 ½ hours.

Ms. Markley made an emotional plea for some kind of help to protect the safety of the children.

“Here’s an issue—something needs to be done—the City of Urbana needs to do something,” Ms. Markley stated. “...we don’t want to take it in our own hands, but when it comes to my kids and other peoples’ safety...something needs to be done. Do you understand what I’m saying?”

Council President Hess again stated, “This is a police issue. Call the Police Department. Council legislates and appropriates—we don’t enforce. That’s a police decision.”

“So the City of Urbana can do what they want?” asked Ms. Markley.

“It’s not the City of Urbana, ma’am,” replied Council President Hess.

“It’s the City of Urbana Police Department,” said Ms. Markley.

Mr. Bruce Evilsizor said, “Mr. Hess—one thing the company is doing...they’re trying to acquire some property on the east side (their business)...which would give them some room to have an exit on the other side...so I know that’s the whole of how this might be able to work out...but they’ve got to acquire the property first, and that’s been a challenge for them. They’re continuing to work on that. Hopefully, that gets done...then that will help.”

Mr. Evilsizor also suggested that a petition (w/ signatures) be circulated among the neighbors, and bring it back to the City.

Police Chief Matt Lingrell noted this area is no stranger to problems, and pointed to that area as an entry to an industrial site.

“I feel the pain of the people who live there—I know that it’s a stressful time when you have children outside playing,” stated Chief Lingrell. “I know in the last few years I have been a part of the police group that has met with the company...and the management there (the last time we did this was like 2 Summers ago), they were very receptive to us...and did feel the pain of the neighborhood...and they did want to try to do all they could to help.”

Chief Lingrell fielded the statement about the police delay in arrival, “If someone tells you they’ll ‘get there when they get there’—that’s not a police officer telling you that—but I’ll check that. I would be very concerned if it’s taking 4 hours to get to a call.”

The Chief discussed the midnight shift efforts to be there when the company is opening and closing. He noted 2 bicycle officers have been placed in the area at least 3 nights in the last 2 weeks. Chief Lingrell reported no violations or problems with the neighbors. Chief Lingrell noted that some of the people at the company also indicated they were being harassed.

“I’m not saying that they’re wrong, or the other side’s wrong—I’m just telling you,” he said. “There are problems there (no doubt about it), and I live in the area there...so I hear some of the noises when the company’s letting out. What I’d ask you to do is work with us...let me review this tomorrow...I have already met with the midnight shift...keep the peace with it...we do care about the kids, and we care about you. We’ve just got to find a

way to try to make this work for everyone...I do know, when a police car is sitting there...there's not a whole lot of violations. We'll do the best we can—I'll promise you that. You can talk to me anytime you want."

Ms. Markley asked Chief Lingrell about videotaping incidents.

"That's the kind of thing that I'd love to have," Chief Lingrell replied, and he reminded Ms. Markley that he has an open door policy.

"I'll sit down and discuss it with you...and I'll follow up with you," he said. "I know at the moment it's emotional...I feel your pain..."

Chief Lingrell related that most of the company employees are doing the right thing.

"Work on what Director Evilsizor said," Chief Lingrell added. "Work with us—alright?"

Council President Hess described the job of Council and Administration, and said, "The police can't be everywhere, every minute. Everybody has problems, and we do the best we can with what we have...and I think the Police and Fire Departments, the Street (Department)...all of the departments are doing a helluva job with what they have! Money's tight, everything's tight..."

Council President Hess reminded the citizens who spoke not to take matters into their own hands.

Council President Hess thanked WPKO (Ms. Ashleigh Klinger) for attending the meeting.

Council President Hess asked Mr. Bill Kelley (DP&L) if he had anything for Council, and Mr. Kelley did not at this time.

### **Ordinances and Resolutions**

**Third Reading** – None

**Second Reading** - None

**First Reading** –

#### **ORDINANCE NO. 4367 –**

AN ORDINANCE AMENDING CHAPTER 145 OF THE CODIFIED ORDINANCES OF THE CITY OF URBANA, OHIO, TO BE TITLED BOARD OF CONTROL

\*Read and declared a First Reading

Discussion –

Mr. Evans said, "Mr. Lokai did some research on this item with other cities, and I know that there have been a couple of different figures that have been bounced around. I know that there was a recommendation for \$10,000., and there was a recommendation for other amounts. You and I talked about it (Bruce), and I thought we kind of met halfway at \$5,000., and then I was surprised when you came at \$7,500. I know the \$5,000. wasn't as big of a bite as you wanted, but I was ready to do the steps."

"Is there any reason you changed your mind from the \$5,000.?" he asked. "Moved it up to \$7,500.?"

"That's where my position gets tricky...you know, talking to one Council Member and not knowing whether that's the voice of the whole Council group—or not. But I know there's different figures out there," stated Mr. Evilsizor.

He indicated he felt that \$7,500. was a 'good number,' but added that Council could make a motion to amend that.

"It wasn't out of a lack of respect," said Mr. Evilsizor.

“Well no—I’m not saying that—and I was kind of curious when you pulled it (the Ordinance) at the last meeting...like I said, I thought we had kind of looked at \$5,000.,” Mr. Evans said.

“Yeah, I think there were some other Council Members that were okay with \$7,500.—it just gets tricky,” stated Mr. Evilsizor.

Mr. Kerry Brugger echoed Mr. Evans’ comment about the \$5,000. discussion. Mr. Brugger told Mr. Evilsizor that discussion with 1 Council Member does not necessarily reflect the opinion of the entire Council. He added that when he gives his opinion—he does not speak for everyone.

“Again—I think the incremental jump was maybe something in my mind that made sense, and would probably sit well with the community,” stated Mr. Brugger. “I have had 2 people (in particular) talk to me, and they think \$7,500. is a jump.”

Mr. Brugger discussed the differentiation of \$7,500. in budget, or out of budget. He suggested, “I think with that—we’ll just sit on this, and see what happens as we get a little closer to it.”

Mr. Lokai confirmed he had done homework on this item, and explained his research (cities within a 50 mile radius/16 or 17 cities/average population – 17,000).

“The average of those cities was about \$17,000.,” he said. “Now, here’s the thing that kind of baffles me here a little bit—if you’re a statutory city (and you don’t have a charter), the rules are \$25,000. I was checking back to ’96 when this was actually discussed by Council—it became (somewhat of) a political issue, because we originally were set at \$5,000. (that number)...and then in July of ’96, the Council voted 5-2—with Earl Evans and Ruth Zerkle voting not to accept the \$2,500...the other 5 Council Members went that way, then the Mayor vetoed it in August...and of course, it became law in September of ’96.”

He asked, “If we approve the budget—what is the big deal (\$5,000., \$7,500., \$10,000.)?”

Mr. Lokai referred to discussion (15 years ago) regarding consolidating some of the purchasing with the departments in the City.

“To me—it just seems like a micromanaging thing to really tie a rope around the Administration’s throat—and I know, Bill, you’re going to have to deal with this next January...” he said, also pointing to recent purchases over \$2,500. and \$7,500. “It’s just more work...and I always like to have short meetings (not long meetings)...I don’t see why if we approve the budget, why we have to go back (and micromanage)...and go back, and reapprove these small expenditures.”

Mr. Lokai stated, “There’s 2 checks and balances we have on Council—number 1, if we’re not happy with the Mayor...this city knows we can recall the Mayor. If the Mayor’s not happy with 1 of the appointees, we already know that the Mayor can let that appointee go! My personal belief is--we ought to make it \$10,000., and go forward (and not go backwards)!”

He suggested removing the politics from the equation, and start looking at a fiscally responsible stance.

Mr. Robert Thorpe rebutted with, “I can’t believe you quit before 11 minutes, Mr. Lokai! My opinion of it is—that \$5,000. should be a steadfast amount (and that’s doubling what we allow now). It just seems like the Council should know what’s being spent—if you take it up to \$7,500. (or \$10,000., or whatever)—a lot of it we won’t know until it’s way too late...but \$5,000. seems like a good figure to me!”

Mr. Bill Bean said, “I have a tendency to agree with Larry...I’ve been on boards, and (where you turn the budget in)...and the department goes over their budget, and they’ve got a problem. As far as micromanaging—I think Council ought to know what’s going on. There needs to be a list given to Council so they know....but either way...\$5,000. or \$7,500...I think I can live with that...whatever Council deems that they would like to do. It would...I think raise it (at least) \$5,000...it would be a good thing. Other than that we’ve 2 more meetings on this...”

Council President Hess instructed Council to talk it over among themselves, and their constituents.

Mr. Lokai said he would like to know what the ‘department heads’ think. None of the department heads responded.

### **Miscellaneous Business**

Fire Chief Mark Keller - Introduced himself to everyone, and said, “It’s going to be a good job, and I’m looking forward to it.”

Council President Hess expressed ‘good luck’ wishes

Mr. Mike Heintz - Nothing at this time

Mr. Colin Stein - Informed Council that the Salt Co-op will be coming in at the next meeting

Mr. Evans questioned the amount of salt that will be needed

Mr. Robert Munch - Nothing at this time

Mr. Chad Hall - Nothing at this time

Police Chief Matt Lingrell –  
Nothing at this time

Mr. Evilsizor - Nothing at this time

Mayor Ruth Zerkle - Complimented the Miami Square District for the ‘wonderful downtown event,’/ the Tractor Pull’s success  
Complimented Linda Pastori for decorating the area with corn shocks; commented about the ornamental lights  
Complimented the Shrimp Festival’s success (music and wonderful food)

Council President Hess - Asked Council to consider having a City/County Meeting on October 18<sup>th</sup> at 5:30PM/City Building, prior to Work Session

Mr. Lokai said, “One of the County Commissioners said they’re having a public hearing on their budget, and they thought it might be more beneficial if we had our joint meeting after they had their public hearing on their budget...they were thinking about possibly November, as opposed to October.”

“Gail—did you talk to anybody?” Council President Hess asked the Clerk.

“No,” the Clerk responded.

Council President Hess noted he would communicate with the Commissioners, and a decision could be made at the next meeting.

Council President Hess reminded Council of discussion with County Commissioner Bob Corbett regarding combing/melting of law enforcement services. He said Mr. Brugger had met with the commissioners, and asked ‘whether we are interested in doing anything at this time.’

“I don’t think it’s going to happen this year,” said Council President Hess, adding this topic could be discussed at the City/County Meeting.

Council President Hess announced the success of the Chili Fest that was held. "I entered the contest—we came in 21<sup>st</sup> of 26 (which is not that good), but we had a great time," he said. "We served 2 ½ gallons of chili on 20 minutes. This is one of the best things—I mean, it brings a lot of people downtown...it's a lot of work, but it's a lot of fun!"

Council President Hess also wished his wife, Laura, a 'Happy Birthday.'

Mr. Eugene Fields - Announced the Job Fair on Thursday at the Community Center and the Oktoberfest this upcoming weekend

Mr. Evans - Asked those citizens (from Hill St., who came to the meeting) to remain after the meeting to talk with him

Mr. Brugger - Asked Mr. Munch for clarification regarding the blue paint markings (Ward/Church Sts.)  
Mr. Munch explained the markings for existing lines, to help determine where the new lines will go

Mr. Lokai - Noted that he observed the bid process, and briefly explained the process  
Discussed the concerns about the County Budget/ Said that would be a good topic for the City County Meeting  
Again suggested postponement of the City/County Meeting until November  
Mentioned the previous discussion about the appointment of a new Council Member to fill Mr. Bean's position, and noted,

"In essence, that is a 1 year appointment...and that person that wants to get appointed (or voted in by the members) by February 14th...or if we don't move by the 14<sup>th</sup> of February, then Bill appoints them...next day," stated Mr. Lokai. "That person (really) will only be serving for 1 year, and then they have to go up for reelection for 1 more year (which actually we don't know when the primary's going to be...and (as Al said last week) it's going to be 4 elections in 2 years for that person."

Mr. Lokai also suggested (rather than giving out free chili at the Chili Fest), that a 25 cent donation could be given for each chili sample, that would in turn help the Soup Kitchen.

Mr. Bean said, "That would be a possibility—you just can't sell it."

Citizen Carl Miller requested to make an announcement regarding an upcoming benefit, "Rocktoberfest" that will be held in Melvin Miller Park (October 29<sup>th</sup> – 12 to 6).

Bands, Big-Time Wrestling, Hay Rides, & pumpkins were mentioned as highlights. Mr. Miller requested food &/or monetary donations for the Champaign County benefit.

### **Adjournment**

Mr. Thorpe moved to adjourn the UCC Regular Session Meeting at 8:00PM; Mr. Fields seconded. All were in favor of adjournment.

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Council Clerk

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Council President