

URBANA CITY COUNCIL
REGULAR SESSION MINUTES – OCTOBER 11, 2011

Council President Marty Hess called the Tuesday, October 11, 2011 Regular Session Meeting of the Urbana City Council to order 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. Doug Crabill, Assistant to the Director of Administration; Fire Chief Mark Keller; Police Chief Matt Lingrell; Mr. Chad Hall; Firefighter/Paramedic Jason Croker (*Mr. Lee Williams, Finance Director, was absent).

Roll Call and Pledge of Allegiance

Approval of Minutes

Mr. Robert Thorpe moved to approve the UCC Regular Session Minutes, September 27, 2011; Mr. Larry Lokai seconded. Motion carried without objection.

Communications

Mr. Lokai moved to place : The Urbana Planning Commission Minutes (August 29, 2011), The Urbana Board of Zoning Appeals Minutes (August 29, 2011), and The Urbana Design Review Board Minutes (August 15, 2011) on file; Mr. Thorpe seconded. Motion carried without objection.

Council President Hess questioned whether these Minutes are currently online, and it was confirmed that the Minutes are online.

Administrative Reports – Board of Control

1.

Mr. Eugene Fields moved to authorize a purchase order to Pioneer Electric Co. in the amount of \$15,000 for electric service at the Water Plant for the remainder of 2011 (This will be charged to the Water Division, and is in the 2011 Budget); Mr. Lokai seconded. Motion carried without objection.

Discussion –

Council President Hess asked, “Is there an increase, or is this just a regular end-of-the-month/end-of-the year?”

“Yeah—just with it being apparently a new facility what we had originally at the beginning of the year (in the purchase order) just isn’t enough...we need to increase it,”

Answered Mr. Bruce Evilsizor.

2.

Mr. Al Evans moved to authorize a purchase order to Vital Signs and Graphics in the amount of \$3,927.99 for the purchase of a gateway entry sign to be installed by the Cemetery on Route 54 (This will be charged to Administration Capital, and is in the 2011 Budget for \$3,500); Mr. Fields seconded. Motion carried without objection.

Discussion –

Mr. Evilsizor explained, “This will be the last one of the city limits signs. I guess we installed what--3 of them there previously, and this would be the last one that...part of the original plan to get these at the main entries to the city. It kind of says by ‘the Cemetery at State Route 54,’ but it would be the island there by...there at 54 and Patrick Ave., and Jefferson Ave. It would be just like the other 3 signs we have around town—it would be the 4th one.”

Mr. Evans said, “Bruce, these are good looking signs (they’re very eye catching), but do we set aside (or do we need to set aside some funds) for maintenance...because the one out here across from Buckles old used car lot is looking kind of weathered. Should we be setting aside some money for maintenance? Should we put that in the budget to maintain some maintenance on them?”

Mr. Evilsizor replied, “We probably should—yeah, a little bit—this amount here includes (I can’t remember, maybe \$300.-\$400.) to fix that...you know, repair that one down there on 68. Yeah, we probably should for future years.”

“Yeah—good,” said Mr. Evans.

3.

Mr. Lokai moved to authorize the Director of Administration to enter into a unit price contract with American Rock Salt Co. for the 2011-2012 winter salt needs at a cost of \$66.02 per ton (American Rock Salt was the lowest bid received from SWOP4G, a consortium of public area entities in which the City participates. Last years’ price was \$64.17 per ton. This will be charged to the Street Dept., and is in the 2011 Budget); Mr. Steve Shaw seconded. Motion carried without objection.

Discussion –

Mr. Evilsizor stated, “Yeah—just a little bit more than last year—in the bid we estimated needing around 1,000 tons for the season...with this company here, if we only need only 700 tons—we can just by the 700 tons...we don’t have to buy the whole 1,000 tons.”

“What if we need more?” asked Mr. Shaw.

Mr. Evilsizor answered, “We’ll be okay—yes—it goes both ways.”

Mr. Lokai said, “Good choice — pass it.”

Mr. Bill Bean agreed with Mr. Lokai.

Council President Hess added (chuckling), “We’ll need it—I wish we wouldn’t.”

4. (This BOC Item was added just prior to this Meeting)

Mr. Evans moved to authorize a purchase order to Purvis Brothers-Phillips 66 in the amount of \$24,000 for airport fuel for the remainder of 2011 (This purchase order will replace the existing order with Air BP Aviation Services. The vendor change was necessary to maintain quality through the winter months. This will be charged to the Airport, and is in the 2011 Budget); Mr. Fields seconded. Motion carried (Vote 6-1) with Mr. Shaw opposing).

Discussion –

Mr. Evilsizor stated:

“Yeah—change in the vendors, I guess we uh...were using BP Fuel there at the Airport—this issue probably started about 2 years ago, with like the CareFlight during the winter time there was an additive that they needed to add (have in the fuel, the jet fuel)...and with BP you had to buy the additive separately (and then add it) versus just buying the fuel with the additive already in. Under that scenario CareFlight wasn’t buying their jet fuel during the winter months from us, because they wanted it already added to their fuel...so by switching over to Phillips 66/Purvis Brothers we can buy it during the winter months with that additive in there...that way CareFlight will buy it again from us during the wintertime. I think there’s a few other planes up there that would use that also.”

Mr. Shaw noted that he always liked to add his own additive, because then he was certain it was in there.

Mr. Lokai suggested Council be proactive in ‘getting this now instead of waiting until the last minute.’

Mr. Robert Thorpe asked, “Are we making money on this fuel?”

“Yeah—I know we’re making money on it—Lee and Carol use a form with it (they establish a price), and...yeah, I can’t quote you a dollar amount, but I know we’re making money on it,” answered Mr. Evilsizor.

Mr. Evans asked, “I would say that the CareFlight is our biggest fuel customer, right?”

“For the jet fuel—yeah—I believe so,” replied Mr. Evilsizor.

“So this would be—meeting our customers’ needs,” said Mr. Evans.

“Yes,” said Mr. Evilsizor.

Council President Hess asked, “How much fuel do we have left? Will this mix with what’s in there? Will there be any problem with that? Is this just jet fuel we’re getting?”

“Yeah, it should be...I guess this purchase order would be for both...the rest would just be in the jet fuel, I guess the gas doesn’t need it...but yeah, I’m not sure about blending the old and the new, how that’s going to work...but I guess Carol will work with that,” said Mr. Evilsizor.

Mr. Kerry Brugger asked, “Just for clarification (and maybe I didn’t understand)—this is just for the jet fuel (and not for the general aviation fuel)?”

Mr. Evilsizor said, “I guess this would be both, because we’ll switch completely from BP over to the Phillips 66...so I guess it would be both for the jet fuel, and the av gas (the regular gas).”

“What is the additive price per gallon—as opposed to not having it added, or adding it yourself?” asked Mr. Brugger.

“I’m not sure on that,” replied Mr. Evilsizor.

5. (This BOC Item was added just prior to this Meeting)

Mr. Fields moved to authorize a purchase order to DJE, Inc. in the amount of \$7,500 for repairs to the water system tele-communications network (This expense was the result of a lightning strike, and is covered by insurance; the net cost to the City is \$1,000. This will be charged to the Water Division, and is not in the 2011 Budget); Mr. Lokai seconded. Motion carried without objection.

Discussion –

“Lightning strike—which one?” asked Council President Hess.

Mr. Evilsizor provided a brief explanation, and added, “I know we originally did (a couple of weeks ago) a purchase order for \$2,500. to get them started (to get them in here working on it)...and I guess today, it was up to like \$5,500., and they were still working on it to get it up and running...so we’re hoping that \$7,500. would take care of it...you know—totally—but...”

Mr. Bill Bean asked, “Have the adjuster been in contact with us, and the company (DJE)—do you know?”

“I’m not sure—I know Bob said today that it’s been turned in, and the insurance was going to cover it...and yeah, I didn’t go into detail with him,” said Mr. Evilsizor.

“But (your understanding is) we’re pretty much going to be looking at \$7,500...” said Mr. Bean.

“We’re hoping that will cover it—yeah, it’s possible it could go up a little bit more than that, but we’re hoping that...” said Mr. Evilsizor.

“But (no matter what) it’s not going to cost us more than a grand,” Mr. Bean attempted to confirm.

“Yes,” Mr. Evilsizor said.

“It’s going to cost us \$1,000.—right?” asked Mr. Fields.

“Yes,” said Mr. Evilsizor.

Mr. Fields asked, “So why do we need a purchase order for \$7,500.? We need to pay for it before? So it’s going be ‘in and out money’ then?”

Mr. Evilsizor answered, “Yeah—we’ve kind of done it this way (you know) in the past, as far as (you know) bringing the full amount to Council...yeah, even though it’s going to cost us \$1,000. It might be something to look at in the future (whether we need to do that, or not)...you know...since it’s only going to cost us a thousand, but...”

Mr. Doug Crabill pointed out, “The amount of the purchase order is what’s triggering it to come to you.”

“Okay so—the insurance company will reimburse us, is what I’m saying...” said Mr. Fields.

“Yeah, yeah,” replied Mr. Evilsizor.

Citizen Comments

No one came forward to speak.

Ordinances and Resolutions

Third Reading – None

Second 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

Mr. Brugger requested brief discussion of the Ordinance.

Mr. Brugger moved to AMEND ORDINANCE NO. 4367 as it’s written.

“The amendment would only be the addition of--if it’s out of budget (if it’s not in the budget) to maintain the limit at \$2,500. If it’s in budget, move it to \$7,500. If it’s not in the budget, I would ask that we add (or consider adding)—leave it at \$2,500. for items that are not in the budget...which gives us, what the citizens have asked us to do...is to be good stewards of their money...”

Mr. Lokai seconded.

Discussion –

Mr. Evans stated:

“I was kind of dug in at \$5,000.—In talking to other Council Members, the idea of...we do a pass that appropriates the budget, and the Administration is limited by the amount of the budget...the idea of having it (in or out of the budget) is a good compromise for me...and I will go along with that...that’s a good compromise.”

Mr. Shaw agreed, “It makes perfect sense to me!”

Mr. Lokai stated:

“I guess—maybe I have a differing opinion there in that to me, \$7,500. is \$7,500. In the overall picture of things, I don’t see what difference it makes...and I know that I asked Lee to go back and pull some figures from 1996 when this original motion passed (and we had a \$5.5mil budget then)...we now have an \$8.1mil general fund budget (which is a forty some percent increase)...if we use those figures (back then, before this thing was moved back to \$2,500.) it would only make sense that we make everything \$7,500.

Although I understand Mr. Brugger's point—I don't really see what the difference is...I think it all boils down to trust and responsibility...and if you trust the Administrator, and if you trust the Finance Director, and if you trust your department heads...and we're in a budget structure here where we have checks and balances that we should stick with some uniform figure...I talked to Lee about this potential amendment, and he said it would be a little bit of a nightmare, because it will be...some would be \$2,500., some would be \$7,500., so I would think that what you do for one—you do for the other—that's just my point..."

Mr. Thorpe agreed with Mr. Brugger, and said, "My reasoning is that I want to see that the Council have the control, and know what's going on. \$7,500. I agree with (if it's in the budget), but if it's not...we need to know where we're at!"

Mr. Bean said, "I think it is a good compromise—I have a tendency to go along with what Larry has to say, but when you look at it as a compromise...I think Council should be given...really anything above the \$2,500., they should know what's going on...be able to look at all of the appropriations, and it should be given to them...so (at this point, as far as the amendment), I'll have to agree with Kerry that it's probably a good compromise at this point."

Mr. Fields concurred with the other Council Members, and asked, "Could we get start getting the updates like we used to—on a weekly, or bi-weekly basis?"

"That's something to talk to the Finance Department about," Council President Hess said.

"Can I ask—can we use the term, 'Appropriation Budget' I guess in the motion—I guess that's a term that we're used to...I think that's a term that's used in different places, but that might alleviate any confusion down the road...it's a little thing, but it might help,"

Mr. Evilsizor stated.

"I'd be happy to add my 2 cents (for what it's worth)—I believe this gives us a tool—I don't think it ties your hands that much," stated Mr. Brugger. "To me, it's a step forward versus staying status quo."

Roll call vote to approve: Mr. Lokai, no; Mr. Thorpe, yes; Mr. Bean, yes; Mr. Fields, yes; Mr. Evans, yes; Mr. Brugger, yes; Mr. Shaw, yes (6-1)

Discussion –

"The amendment passes 6-1, and this is still a Second Reading," said Council President Hess.

"There's still one more step—all we did was vote on the amendment (what the change was)—now we have to go back and discuss the motion as amended, and pass that," stated Mr. Lokai. "We're changing the wording, and so for us to get a Third Reading...a motion as amended reads \$7,500."

"Right—anybody for discussion?" asked Council President Hess.

"I still (although I'm going to get outvoted 6-1)—I still think we need to take a look at even more than..." Mr. Lokai said, emphasizing that this should be a fiscal decision (and not political).

"Okay—then you'll have Skipp bring back the amended Ordinance at our next meeting, and come back as a Third Reading?" asked Council President Hess.

"Yes," replied Mr. Evilsizor.

"We've still got to vote on the motion as amended—today," said Mr. Lokai.

"You've already voted on the amendment," Council President Hess stated.

“We voted on the motion as amended...we voted on the amendment (which was the change), that’s step 1...now step 2 is, we have to vote on the motion as amended (which means...\$7,500., \$2,500...but it is a new motion now)...so to get that passed (to the Third Reading), we have to pass the motion as amended...so it just takes one more vote...” Mr. Lokai insisted.

“For the Second Reading?” asked Council President Hess.

“For the Second Reading,” said Mr. Lokai.

“Right,” said Council President Hess.

“So it comes back to the Second Reading at the next meeting?” asked Mr. Brugger.

“Right,” said Council President Hess.

“We want it to come back as...motion as amended...so technically we should call for the vote that reads the new language...then we don’t...that’s just the language, we haven’t passed it...we’re just getting the language,” stated Mr. Lokai.

“Right—you haven’t passed anything—all you’ve passed is the amendment,” said Council President Hess.

Mr. Lokai said, “There’s 2 steps—the amendment, and the motion as amended—then you have the Second Reading on the ‘motion as amended.’”

“Right—you just passed the amendment, the Reading—so now you want to pass the motion as amended,” said Council President Hess.

“That way, nobody will—nail us,” said Mr. Lokai. “That is the correct way to do it—I know.”

“So does it call for a motion?” Mr. Evans asked.

“All you’ve got to do is vote—on the motion as amended (which now reads \$7,500. in the budget, \$2,500. out of budget), but that is a new motion!” stated Mr. Lokai.

“...and you want that ‘Appropriation Budget?’” Council President Hess verified.

“...with the name of ‘Appropriation,’” Mr. Evans added.

“Yeah,” said Mr. Lokai.

“Right,” Council President Hess said.

“Second,” Mr. Fields said. “Larry, made the motion.”

Mr. Lokai (again) explained the process, and said, “Here’s what it now says...If you want to read it here’s...”

“No—I don’t need to read it, Larry,” Mr. Brugger said.

“I’m not saying it to you...you did it right...we did it right,” said Mr. Lokai.

All voted in favor of passing motion #2 (7-0).

“We’ll bring it back at our next meeting—the language in the amendment,” said Council President Hess.

First Reading –

ORDINANCE NO. 4365 –

AN ORDINANCE TO AMEND AND REVISE THE OFFICIAL ZONING MAP IN THE CITY OF URBANA, OHIO

(*Read and declared a First Reading)

Council President Hess noted discussion at the previous Public Hearing, and announced this Ordinance will take three readings.

ORDINANCE NO. 4374 –

AN ORDINANCE ESTABLISHING THE SALARY AND BENEFITS FOR THE FIRE CHIEF OF THE CITY OF URBANA

(*Read and declared a First Reading)

Discussion –

Mr. Lokai commented that to ‘keep and maintain staff,’ Council should support this Ordinance.

Council President Hess commented about the reason for the difference in number sequencing of the Ordinances

ORDINANCE NO. 4375 –

AN ORDINANCE ESTABLISHING THE SALARY AND BENEFITS FOR THE POLICE CHIEF OF THE CITY OF URBANA

(*Read and declared a First Reading)

Mr. Lokai repeated the same remark as he said for the previous Ordinance

ORDINANCE NO. 4376 –

AN ORDINANCE AMENDING CHAPTER 1505 OF THE CODIFIED ORDINANCES OF THE CITY OF URBANA, OHIO, TO BE TITLED FIRE PREVENTION BUREAU

(*Read and declared a First Reading)

Council President Hess noted that Chief Mark Keller addressed this Ordinance at the UCC Informal Meeting on October 4th.

Mr. Evilsizor requested a suspension of the rules for passage of this Ordinance, if Council ‘is comfortable with passing the Ordinance.’

“That will help us with our Civil Service process,” he said.

Council President Hess requested the Clerk provide a synopsis of the Ordinance.

Council President suggested waiting for 2 weeks to have another reading, before considering passage.

Chief Keller explained:

“What we’re doing is simply removing (basically) a sentence and a half out of the Codified Ordinance for the Fire Prevention Bureau, and removing the section that states it would be a Captain in that position...and therefore, giving me the ability to assign that as I saw fit...does that explain it?”

“Pretty good—yes,” said Council President Hess.

“Just real quick—to refresh the memory (when we talked in your office there a couple weeks ago)—basically, what this does is...you have a go to position in case you’re not available...you would have a go to person...” said Mr. Lokai.

“Right—second in command for the Fire Division,” Chief Keller said.

Miscellaneous Business

Mr. Fields - Nothing at this time

Mr. Evans - Nothing at this time

Mr. Brugger - Discussed Resolution No. 2323, which he noted was passed at the February 8th UCC Meeting (with a suspension of the rules). Resolution No. 2323 concerned the BMX Track.

Mr. Brugger stated:

“It has been 8 months, and there’s been a lot of discussion within the community, among the Administration, Council...and we still don’t really (in my opinion) we don’t have a clear picture of the direction that this BMX group wants to take...and maybe a clearer direction on wherever they want to put it.

With that—I would like to make a motion that we rescind Resolution No. 2323, until such time that the BMX group puts together their total package, and works with the

Administration (to make sure that they've ironed out all the details required)...then bring it back to Council in a full and proper manner.

I believe this is one of those items that sounded good...it sounded like a win/win for everybody, but the more we got into it the fuzzier it got...so sitting around for 8 months with really no activity (again) I make the motion that we rescind Resolution No. 2323."

Mr. Lokai seconded.

Discussion –

Mr. Lokai concurred with Mr. Brugger, and stated, "There has been discussion on both sides of the ledger...and I think one of the key things that we have to take a look at...is that... we've got a Park with a lot of recreational activities that go about in normal Park business, and there's surely some place in the Park that could accomplish the goal that we're trying to do with the BMX (and the residents there)...the key thing we have to remember (as City Council Members)--it is a City Park, and it's for city recreation of the citizens...so I highly support this, rescinding this motion for future endeavors."

Mr. Thorpe - Said, "After talking to the BMX people (or the gentleman in town who has the bicycle shop)—they're not sure what they want to do yet. They'd love to come to the Park, but originally when I heard what they were going to do...they were going to move their track out of Clark County... they were going to do all of the hauling, they were going to do all of the work...and they had to do is set it up...then they come back later on, and they want us to haul dirt, and...furnish this, and furnish that! So (like Kerry says) until they come back with a full set of plans...to where we know where we stand with them...I think we'll just go ahead with this thing."

Mr. Bean agreed with Mr. Thorpe and Mr. Brugger.

Mr. Fields said, "I'm just glad we've got some final closure on it—I know I've been asked several times—they keep saying, 'It's gone...it's here,' so if we rescind this...we'll just start all over. Everybody will be on 1 page to get this thing going, one way or the other!"

Mr. Evans agreed with the other Council opinions, and said, "I think this is going to give all of the stakeholders an opportunity to back away (take a deep breath), and come back at this in a more organized... and professional approach. Right now—it's almost become 'he said/she said.' So if we can come back with a more organized approach—the Administration and the BMX people working together on a solid plan—then it's going to be to the benefit of everyone involved. I agree with Kerry."

"If I could add one comment—I want to make sure it's clear that this is not to say, that we are not interested—that we are not welcoming the opportunity to partner with BMX in developing something," stated Mr. Brugger. "This is strictly a opportunity (it's been 8 months—we've really just been sputtering)—I think this is an opportunity (Al put it probably very well)...the fact that, everybody step back...make sure it's clear what we need, make sure it's clear the goals and expectations involved...this is by no means a reference/or inference on not wanting to work with the BMX group..."

He stressed 'starting fresh.'

Mr. Thorpe commented that the RC Track people have requested that the BMX people stay off of their track.

All voted in favor of rescinding Resolution No. 2323.

- Mr. Brugger - Requested Administration provide an update on the ‘Network Upgrade’ (Progress), at the next Work Session
Mr. Evilsizor noted Mrs. Heintz will be off work next week, and Said if he can’t get the information for the Work Session he would have the information prepared for the next Regular Session Meeting
- Mr. Shaw - Reminded everyone of the heavy construction taking place in the 4th Ward (Storm Water Repair)
- Mr. Lokai - Nothing at this time
- Mr. Thorpe - Nothing at this time
- Mr. Bean - Commended Chief Lingrell regarding his email (keeping Council informed) concerning Hill St.
- Mr. Crabill - Announced the start of the Ash Tree Removal (Monday)
“All of the Ash Trees in the public right-of-way in the City—within a week and a half will probably be all gone,” he said, also noting letters have been mailed informing residents (and a follow up letter will be mailed).
He discussed replacement trees, and announced Lafayette and Lincoln as the first areas for tree removal.
Council President Hess asked, “What will happen to the wood?”
Mr. Crabill indicated trees will be chipped.
“Are they removing the stump also?” asked Mr. Thorpe.
“Yes,” Mr. Crabill replied. “...and then they’ll clean up the chips down to the ground level. If you remember—you approved \$20,000 last time—this contract will be for \$20,000. We had 4 or 5 bids, and this was the lowest bid.”
- Mr. Chad Hall - Nothing at this time
- Fire Chief Keller - Nothing at this time
- Police Chief Lingrell –
Nothing at this time
- Mr. Evilsizor - Requested an Executive Session to discuss ‘Economic Development’
- Mayor Ruth Zerkle –
Nothing at this time
- Council President Hess –
Requested the estimated time of completion of Kenton St. (by the *Urbana Citizen*)
Mr. Evilsizor said he would get an update out to Council soon
Council President Hess announced ‘Bus Safety Week’ as October 17th-21st, and reminded citizens to exercise caution when school Buses are present (not to pass when red lights are flashing)

EXECUTIVE SESSION

Mr. Lokai moved to adjourn to Executive Session (7:52PM) to discuss ‘Economic Development,’ Mr. Thorpe seconded.
Roll call vote to approve: Mr. Thorpe, yes; Mr. Bean, yes; Mr. Fields, yes; Mr. Evans, yes; Mr. Brugger, yes; Mr. Shaw, yes; Mr. Lokai, yes (7-0)

ADJOURNMENT

Following the brief Executive Session, Mr. Fields moved to reconvene to Regular Session and adjourn; Mr. Evans seconded. All were in favor of adjournment.

Council Clerk

Council President