

REGULAR MEETING OF CELINA CITY COUNCIL June 8, 2009

President Rodriguez called the Regular Meeting of Celina City Council to order at 7:00 p.m. Council Members Bachelor, Buxton, Jeffries, King, Larmore, Scott and Sell answered roll call. Also present were Mayor LaRue, Planning & Community Development Director Bryan, City Auditor Stewart, and City Law Director McKirnan.

CM Sell made a motion to add personnel to the executive session, seconded by CM Scott. Roll call vote 7-0, Aye. At 7:02 p.m. CM Sell made a motion to go into executive session to discuss property acquisition and a personnel matter, seconded by CM Scott. Roll call vote 7-0, Aye. At 7:38 p.m. CM Bachelor made a motion to come out of executive session, seconded by CM Larmore. Roll call vote 7-0, Aye.

CM Bachelor made a motion to add 42-09-O to the agenda and accept the amended agenda, seconded by CM King. Roll call vote 7-0, Aye.

CM Sell made a motion to accept the minutes of the May 11, 2009 Regular Council Meeting as written, seconded by CM Bachelor. Roll call vote 7-0, Aye.

COMMITTEE REPORTS:

CM Bachelor reported that there was a joint meeting of the Personnel & Finance Committee and the Utilities Committee on June 2nd. He said they discussed three things and he briefly went over them:

- Review of budgetary status
- Wastewater and Water rates
- Diffused Air Flotation (DAF) Pilot Project

COMMUNICATIONS:

CM Bachelor asked the administration about an article he saw in the paper. It said the city was buying twenty signs and 120 parking meters. Director Bryan said we are not buying these and was not sure what the paper was talking about but would look into the article.

There was no objection from council to the liquor license transfer from P & J Zeidan LLC, DBA Docksiders Marathon to Amrit Petroleum II Inc, DBA Docksiders Marathon.

AUDIENCE COMMUNICATIONS:

Paul Scheideberg, 424 N. Main Street, expressed concerns about problems at the corner of Wayne and Main Streets with tractor trailers cutting the corner short when they turn. He said it damages property as well as being a safety issue. Jeremy Hinton said that the road is going to be repainted. The right hand turn lane will be eliminated with adjustments to the radius. Further discussion followed on possibilities of what could be done.

Don Kohnen said the presentation at the park last night was very nice but he wondered why the National Anthem was missing at the start of the show.

NEW BUSINESS: (First Reading)

35-09-O: An Ordinance appropriating funds and authorizing the Auditor to establish certain accounts for recording of the receipt and expenditure of Ohio Public Works Commission State Capital Improvement Program Funds, and declaring an emergency. Director Bryan said this has been presented previously and in order to move the contract along he is asking to suspend the rules. CM Bachelor said the 10% fund match has been budgeted. Director Bryan explained where the match is coming from. He said in the past payments were reimbursed but the state may pay direct this time. We still need to appropriate the fund. A motion to suspend the rules was made by CM Sell, seconded by CM King. Roll call vote 7-0, Aye. CM Bachelor made a motion to pass the ordinance, seconded by CM Buxton. Roll call vote 7-0, Aye.

36-09-O: An Ordinance authorizing the Mayor to enter into an agreement with the Mercer County Commissioners as a sub-recipient of an Ohio Department of Development Grant awarded to Mercer County for economic development and appropriating the receipt and expenditure of such funds for the West Logan Street Improvement Project, and declaring an emergency. Director Bryan passed out the letter of understanding. He said the grant is between the State of Ohio and Mercer County. The contractor will submit the bill to the city, city to county, and county to state. CM Jeffries asked for clarification if this affected the school or Celina Tent. Director Bryan said Celina Tent. This grant was in place about a year ago. CM Scott made a motion to suspend the rules, seconded by CM Sell. Roll call vote 7-0, Aye. CM Jeffries made a motion to pass the ordinance, seconded by CM King. Roll call vote 7-0, Aye.

37-09-O: An Ordinance appropriating funds for the Johnson Avenue Utilities and Street Reconstruction Project and Kessler Lift Station Improvement Project, and establishing the Kessler Lift Station Improvement Fund, and declaring an emergency. Director Bryan asked that the two amounts in the ordinance be changed and explained why. CM Bachelor asked if we will be able to make indentured payments. Auditor Stewart said yes. CM Bachelor made a motion to amend the ordinance by changing the amount in the second WHEREAS from "\$226,000" to \$236,000" and the amount in the third WHEREAS and in Section Two from "\$376,000" to "\$386,000". CM Sell made a second to the motion. Roll call vote 7-0, Aye. A motion to suspend the rules was made by CM Sell, seconded by CM King. Roll call vote 7-0, Aye. A motion to pass the ordinance was made by CM King, seconded by CM Buxton. Roll call vote 7-0, Aye.

38-09-O: An Ordinance amending Chapter 917 of the Codified Code of the City of Celina, Ohio as enacted in Ordinance 19-02-O pertaining to the sewer discharge prohibitions and associated penalties. CM Bachelor made a motion not to read the numbered section in Section One, seconded by CM Scott. The motion passed by voice acclamation. CM Sell asked if penalties were attached to our 2002 ordinances. Kerry Duncan, Wastewater Superintendent, said yes. CM Sell asked if anyone was cited and Kerry said no. CM Scott asked if this should go to committee. Kerry said section one is critical and section two could go to committee. CM King asked if anyone has been cited and Kerry said a notice of violation has been issued but there has been no monetary collection. We have two significant companies this affects. Director Bryan said we have worked with the companies. CM Larmore asked if the EPA can fine. Kerry said currently we can fine if in violation of our ordinance limits and EPA can fine company if in violation of industrial discharge permit. CM Larmore asked Kerry how he established the fines. Kerry said he didn't, that was between Director Hazel and Assistant Law Director Nickel. He said the limitations have been adjusted and explained the significance of section one. CM Bachelor asked about the deadline. Kerry explained. Director Bryan said from the discussion tonight maybe this should be sent to committee and be discussed at the next meeting. CM Sell made a motion to pass the ordinance to second reading, seconded by CM Larmore. Roll call vote 7-0, Aye.

39-09-O: An Ordinance amending Ordinance 42-06-O, establishing water rates, passed in August 2006, and declaring an emergency. CM Bachelor said the minimum rural rate bill should be \$26.19. CM Sell asked how much the increase in 2006 was and CM Bachelor explained. There was a short discussion on the trailer park rate. CM Larmore asked if this is paying back the loan from the fire truck fund and CM Bachelor said yes. CM Bachelor said this is figured so the loan will be paid off by the first of December. After that there will be a 3% increase as scheduled with this rate staying in place. He explained the yearly cost with this rate would be approximately \$46.00. CM King asked if there was a chance the usage goes down drastically that this would not be enough to pay the loan and CM Bachelor said that is a possibility. CM Bachelor made a motion to amend the ordinance by changing the rural rate minimum bill from "\$17.46" to "\$26.19", seconded by CM King. Roll call vote 7-0, Aye. CM Bachelor made a motion to suspend the rules, seconded by CM Larmore. Roll call vote 7-0, Aye. CM Bachelor made a motion to pass the ordinance, seconded by CM King. Roll call vote 7-0, Aye.

40-09-O: An Ordinance amending Ordinance 42-08-O and revising City and Rural wastewater rates, passed in September 2008, and declaring an emergency. CM Jeffries said in the fourth whereas it shows December 31st

as the pay off and asked if we can't have it paid off by then will we have to borrow again. CM Bachelor said yes to stay in compliance we would. CM Sell asked why the wastewater increases and the water increases were different dates. CM Bachelor explained and also said wastewater minimal bill is based on 2,000 gallons instead of 3,000. CM Sell asked what the average bill would be. CM Bachelor said the yearly average wastewater would be \$425 and water \$475. CM Bachelor made a motion to suspend the rules, seconded by CM Larmore. Roll call vote 7-0, Aye. A motion to pass the ordinance was made by CM King, seconded by CM Larmore. Roll call vote 7-0, Aye.

41-09-O: An Ordinance authorizing the Safety Service Director to enter into a grant agreement, accepting a grant from the Tony Hawk foundation for construction of a skate park, establishing funds for recording the receipts and expenditures, and appropriating the funds. CM Larmore asked when the clock starts on the two year time frame. Director Bryan said the contract needs signed by June 26th so the two years begins then. CM Scott asked if we have plans to have it operational in two years. Director Bryan said yes, we have plans for phase one. When we wrote the grant we explained it was a five phase project. CM Jeffries expressed concerns about other parks on where they stand at this time. CM King asked if we have an idea where the rest of the money is to come from. Director Bryan said no, the adults are working with the kids on fund raisers. CM Buxton asked if this is a one time grant opportunity or if we can apply again. Director Bryan said they know this is a multi phase program and we will be going back to them again on a grant for another phase. There was further short discussion on funds. President Rodriguez asked who would supply the written report to the foundation and Director Bryan said it would come out of his office. A motion to amend the ordinance by adding the emergency clause was made by CM Bachelor, seconded by CM Larmore. Roll call vote 6-1, Aye. CM Jeffries voted Nay. CM Bachelor made a motion to pass the ordinance to second reading, seconded by CM King. Roll call vote 6-1, Aye. CM Jeffries voted Nay.

42-09-O: An Ordinance authorizing the conveyance of real property in accordance with and for the purpose of its plan for urban redevelopment pursuant to neighborhood revitalization projects within the City of Celina, Ohio. Director Bryan said there has been discussion between our office and the private business for a couple years. This is cleaning up an old issue. CM Jeffries asked Director Bryan to explain the property this involves for benefit of the audience and he did. CM Bachelor made a motion to add, "and declaring an emergency" in the title, seconded by CM Larmore. Roll call vote 7-0, Aye. A motion to suspend the rules was made by CM Larmore, seconded by CM Buxton. Roll call vote 7-0, Aye. CM Sell made a motion to pass the ordinance, seconded by CM Buxton. Roll call vote 7-0, Aye.

9-09-R: A Resolution declaring the necessity of constructing and repairing certain sidewalks and curbs in the City of Celina, Ohio, and requiring abutting property owners to construct and repair the same (Ward II, Sidewalk Program) and declaring an emergency. CM Sell asked why there is no expense given to alleys, are we not doing them. Jeremy Hinton explained they are hard to set expense because they are so bad. Director Bryan said there are some other concerns because of alley directions. He needs to sit down with Karen. CM Jeffries asked about the cost increases. Jeremy explained the cost difference on handicap section and said there are some increases in costs of material. CM Bachelor noted that \$60,000 has been budgeted and we are already at \$57,600. CM Jeffries asked about Lot 90 Meadows property. Jeremy explained there is no house there but the lot abuts up to properties on both sides with sidewalks and required by ordinance. CM Scott made a motion to pass the resolution to second reading, seconded by CM Larmore. Roll call vote 7-0, Aye.

10-09-R: A Resolution authorizing the Mayor to submit an application to participate in the Ohio Public Works Commission Local Transportation Improvement Program and to execute contracts as required, and declaring an emergency. Director Bryan said he found out details of this at the district meeting and he explained 23 ½. CM Sell stated it would be nice if there would be enough money to adjust the radius at Wayne and Main. Director Bryan said plans are for a new traffic signal and ADA ramp so this could help with the corner. CM Bachelor asked if we will file this to the county. Director Bryan said County Engineer Jim Wiechart is on the executive committee so it will go to him first. Director Bryan said there are no plans to make changes past Fulton Street and the waterline is still separate. CM Scott made a motion to suspend the rules, seconded by CM Sell. Roll

call vote 7-0, Aye. A motion to pass the resolution was made by CM Larmore, seconded by CM King. Roll call vote 7-0, Aye.

OLD BUSINESS: (None)

ADMINISTRATIVE REPORTS:

Director Bryan presented five names for the Design Revue Board the Mayor has chosen. He asked for council approval and explained their job. CM Bachelor asked if they would go through training. Director Bryan said it is offered to them but administration would help answer questions. CM Sell made a motion to accept the names, seconded by CM Bachelor. The motion passed by voice acclamation.

Director Bryan said he made a mistake and asked council to look at 4-09-O. CM Sell made a motion to take 4-09-O off the table, seconded by CM Larmore. Roll call vote 7-0, Aye.

4-09-R: A Resolution authorizing the Mayor to enter into a Coordination Agreement with the State Historic Preservation Office in order to expedite implementation of certain elements of the FY '08 Community Development Block Grant (CDBG) Downtown Revitalization Program; and declaring an emergency. CM Bachelor made a motion to accept the amended ordinance, seconded by CM Scott. Roll call vote 7-0, Aye. CM Bachelor asked who our liaison with SHPO is and Director Bryan said himself and Jerry Lacy. CM Sell asked what SHPO stood for. CM Bachelor said State Historic Preservation Officer. Director Bryan briefly explained the program. CM Bachelor noted that two public hearings need to be held and several things have been added. This is enforced until November 2011. Director Bryan said November 2011 is the end of our grant. CM Jeffries questioned the May 1st deadline. Director Bryan said this is not really a specific date. CM Sell made a motion to suspend the rules, seconded by CM Scott. Roll call vote 7-0, Aye. A motion to pass the ordinance was made by CM Bachelor, seconded by CM King. Roll call vote 7-0, Aye.

Mayor LaRue reported:

- Mike Sudman and Todd Hone are going for testing tomorrow
- Tank 8 – carbon change on June 11th
- Brush pick up done
- East Jefferson lines are 80% cleaned
- Gazebo has been painted
- CA is finished this week
- Wednesday will be a goose round up
- Sunday concert series has started

The Mayor passed out a draft ordinance on parade, demonstrations, and public assembly for council to start looking at.

FOR THE GOOD OF THE ORDER:

A Utilities Committee meeting was set for Monday, June 15th at 4:30 p.m. in the utility building.

A Community Betterment Committee meeting was set for Monday, June 15th at 5:30 p.m. in the utility building.

CM Sell asked how much time they have to fill Mr. Hazel's position on AMP Ohio Board. The Mayor said they can miss three meetings before they go off the board.

CM Sell asked the time line to fill the Safety Service Director position. Mayor LaRue said advertisements will be going out this week. He asked if she is looking at an interim position and she said yes. The Mayor said her main concern now is the budget; she wants someone who can look at these numbers.

CM Buxton asked if there is any answer on sub division pavement and Director Bryan said no.

CM Buxton asked why East Market Street is 25 MPH. Director Bryan said it has been that way for some time but would have to check with the Chief about why. Other council members said it was changed for safety because of all the drives from businesses.

CM Buxton said Mr. Miller was in last meeting about tow service and asked if all the people we use have proper license etc. The Mayor said that would be a question for the chief.

CM King asked if the Safety Service Position description will be posted on line. The Mayor said she had not planned on it.

CM Scott asked to please have a chuck hole at Market and Brandon fixed.

CM Jeffries said a couple of railroad crossings need work, one at Sugar Street and one at Warren Street.

President Rodriguez adjourned the meeting at 10:24 p.m.

Jackie L. Lacy, Council Clerk