

REGULAR MEETING OF CELINA CITY COUNCIL July 27, 2009

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

CM Sell made a motion to accept the agenda, seconded by CM Buxton. Roll call vote 7-0, Aye.

The public hearing section of the minutes of the July 13, 2009 Regular Council Meeting, stating that the current balance of the contingency fund is 6.50 million was corrected to show the correct balance of \$68,500. A motion to accept the corrected minutes was made by CM Sell, seconded by CM Larmore. Roll call vote 7-0, Aye.

COMMITTEE REPORTS:

CM Scott reported the Utilities Committee met July 22nd. Water Plant Superintendent Sudman and Director Bryan gave a presentation on DAF Water pretreatment system, which could cut down on chemical usage and produce a by-product for use in other revenue producing processes. Further research is being done for funding of the project.

CM Sell reported that the Council of a Whole Committee met July 22nd for discussion of the acquisition and demolition of the former Gibbons Hospital and adjoining home for use of a parking lot. The estimated project cost is \$150,000 with funding being researched further. The overall downtown parking is also still being looked at. No recommendation was made.

COMMUNICATIONS:

Liquor Permit for CJ's Highmarks. Members questioned if this will change their current liquor permit or if it is just a renewal. Law Director McKirnan remarked that the responses do not need to be in until August 14, which can give him time to inquire on the permit. But, generally speaking, the City would only request a hearing if there is an issue with the permit holder, and that he knows of there has been no problems with CJ's Highmarks. He will however inquire on the permit and come back with his findings.

AUDIENCE COMMUNICATIONS:

Bryan Dupes, 219 Godfrey Avenue reported that the alley between Godfrey and Brandon Ave. is in dire need of repair. They have a problem with water collecting in the alley every time it rains. He also requested something be done about the property at 501 W. Warren Street. A raccoon has been seen running to and from the property. Director Bryan responded that the City may have an opportunity to get a grant to have the building demolished and property cleaned. Administration will need to work with the property owner to allow this work to be done.

Mary Ann Baker, 701 Lilac Drive, Coldwater announced she is a realtor and has been hearing on the street for over a year about the general lack of Celina's concern for business people. She understands the interest Celina has for the lot that Robert's Town Tavern is using for parking. However, it is hard for restaurants and taverns to make a go of it. The railroad company cared less what was happening with their property until the City wanted it. Now both the railroad and the City are concerned with the liability of using the lot for the tavern's parking. She believes everyone needs to work together as a group and what the City is doing does not show a good sign of unity. Ms. Baker also stated that eminent domain, in regards to the former Versa Pak property, needs to be carefully used. There are other areas around the lake that could be better used. She understands that Celina chose not to buy the property when it was for sale, but now has decided they want it. She does not think the purpose for obtaining the property is right or a good public use.

CM Bryan replied that he wanted to present facts to the property acquisition process. The first contact made with the former owner, Rod Boring, was in 2004. At that time the City did not have \$400,000, which was the

asking price. The building was then leased to Jaqua Catering in 2005, but was again vacant in 2006. In April 2007, contact was made with Mr. Boring indicating interest in the property. When the City met with Mr. Boring, a concern of prior use was discussed. Mr. Boring stated an environmental review was done and he would send the results showing the property was clean. No information was received by the City. A week later, the City was informed that the building was sold to Direct TV. September 6, 2007, Kent talked to Mr. Larbus and indicated the City's interest in the property. One day later, the deed transferring ownership to Mr. & Mrs. Larbus was recorded. (5 months after notification that it was sold) Administration asked Mr. Larbus for a sale price, but could not get one. He was told that the City would work with him to relocate his business to another building in Celina, but indicated he had a location in Findlay that his operation would be moved to. On June 23, 2008, Mr. Larbus gave the City permission to go into the building to get an appraisal. After the appraisal, the City's attorneys gave him a verbal offer of \$275,000 and followed up with a written offer. No counter offer was made in order to openly negotiate a sale price. Therefore the eminent domain process was started to give the City ownership and allow the owner to get fair market value.

Mr. Larbus responded that he saw a for sale sign on the building and met with Mr. Boring. After that meeting he went to the City office and met with Kent about the property. He was told that the City had no eminent plans for the property. A couple months later, he went back to the City and asked about the use of the building. The lady downstairs (engineering department) told him his use fit the area. He then proceeded with the finalization of the sale. There was never any intent on his part to offer the building for sale. The City requested a price for purchase of the building, but he was informed that the Mayor wanted to be involved in the negotiations. At that time, the Mayor was not available, due to an illness. He had not heard anything else until receiving a call from the appraisal firm wanting to go over the appraisal with him. He informed the appraisal firm that he had no interest. A letter from the City was then received offering \$275,000 or if not accepted eminent domain would be pursued. He then turned it over to his attorney who sent correspondence to the City of which no response was received back.

CM Sell asked Mr. Larbus what the number of employees is at the site. He replied they have one director of training, and a number of employees come from multiple locations for training on the site. The building's high ceilings make a good location for ladder training. Mr. Larbus went on to say that he takes difference to the statements made that the building is not being maintained. The disarray has come from vandalism. There was a delay in some repair while waiting for an insurance settlement.

CM Scott asked Mr. Larbus if he wants to sell the property. Law Director McKirnan cautioned against the Council members asking questions of the owner. McKirnan stated that Mr. Larbus is in attendance to create public record. Mr. Larbus responded that upon advice from his counsel, he is not willing to discuss a purchase price.

CM Sovinski stated he would be interested in seeing the income tax records for proof of employment. Auditor Stewart advised that the tax department can only give that information out with the permission of the employer or by court order. Mr. Larbus stated he would be willing to provide that information to Council.

CM Jeffries stated he has seen that windows have been replaced only to be broken again. Mr. Larbus commented that they have been replacing the glass with plexiglass.

CM Sell asked if property at the industrial park would be of any interest. Mr. Larbus responded that they have a building in Findlay, but they have had a lot of flooding at that location. They would lose the unique characteristics of this building and see increased training costs with extra travel and lodging.

Don Gehle, 634 Lisle Street, told Council that that the minutes from the last meeting which they just approved are not accurate. On page two, under his communications to Council, it says the executive session was for the July 6th Parks and Recreation Committee, when it was a Council of a Whole meeting. He said the Council's job is to keep accurate minutes and it must be corrected. Director McKirnan told Mr. Gehle that Council does not

need to agree with him just because he thinks he is right. Council President Rodriguez informed Mr. Gehle that she would like to stay with the current subject of discussion which is the Larbus property. She told him he is not being denied the right to speak and asked three times if he had anything else to say.

Mr. Bryan returned to the previous conversation concerning the Larbus property. He stated under the guidance of the attorneys, the City has not had communications with Mr. Larbus since its official offer in April.

Don Kohlen, 903 Sycamore St, said at one time the building belonged to the Spieler family, who were chemical/mechanical engineers. Since he is the only living relative, he can tell the new owner some of the history of the building.

Mary Ann Baker commented that with the City's financial situation, eminent domain should be avoided. She thinks the City should work with the owners on other property to supplement the cost.

CM Bryan said that they could get with the two legal firms to arrange both parties to sit down and work through due process and come to a common ground. CM Scott stated that he thinks the City should continue with the process and use the eminent domain as a last resort. CM Sell stated if there is a willingness to discuss a negotiation, he would be in favor of tabling tonight's legislation. Law Director McKirnan said Mr. Larbus may be here to stop the action. He recommended council proceed with passage of the legislation to the next reading.

Don Kohlen asked if the former Gibbons Hospital has been tested for asbestos. Director Bryan stated no tests have been conducted, but the owner assures it has been removed. The City is currently negotiating with the owners to demolish the buildings, and the City would buy the bare ground.

John Arnold, 1606 Settlers Lane, questioned the City's policy of rehiring retired personnel. He is aware of a retired employee being rehired at \$13.50 per hour. With the lack of concern with the 8% increase of water rates, he questioned if the council members get their water and sewer for free. He also asked if they are willing to take a cut in pay for 2 years or until the economy improves. Director Bachelor explained that the City rehired one retired employee back as an inspector. This employee is classified as temporary full-time. He also explained that water rates needed to be increased to keep the water budget solvent. Funds were borrowed from a Fire Department account, which must be repaid. Bachelor informed Mr. Arnold that he would be willing to meet with him explain the City's funding sources.

Bryan Dupes asked what a decent time frame to follow up on his previous statements of concern in his neighborhood. Director Bryan indicated that there was no guarantees on the property clean up, but he will be making contact with the property owner within the week.

NEW BUSINESS:

46-09-O: An Ordinance accepting funds from the Amp Community Connections Program and appropriating to the Celina Governor's Cup Regatta and declaring an emergency. Auditor Stewart explained this is just a pass-through. The check was made out to the City, and the money will be passed on to the Regatta committee. CM Jeffries made a motion to suspend the rules, seconded by CM King. Roll vote 7-0 Aye. CM Sell made a motion to pass the Ordinance, seconded by CM Larmore. Roll call vote 7-0 Aye.

CM Scott made a motion to read Ordinance 47-09-O by title, all Whereas sections, Sections 1, 2, 3 and 5 in their entirety, and only the Public Works Department section of Section 4. Motion passed by voice acclamation.

47-09-O: An Ordinance establishing certain position classifications and salary grades and abolishing certain position classifications within the Public Works Department and declaring an emergency. Director Bachelor explained that this legislation will add three Wastewater Collection Worker positions to public works and abolishes one of the two Public Works Assist Superintendent positions. Two WW Collection Worker II and one WW Collection Trainee positions will be filled, unless we get an applicant with appropriate certifications to

fulfill the WW Collection Worker I position. Currently, the Public Works Maintenance Crewleader position is vacant, and discussions of abolishing this position will be included in the next contract negotiations. The emergency clause is on the legislation to allow the City to move forward with the hiring process for the collection crew to meet the CMOM requirements. CM King made a motion to suspend the rules, seconded by CM Sell. Roll call vote 7-0 Aye. CM Scott made a motion to pass the Ordinance, seconded by CM Larmore. Roll call vote 7-0 Aye.

48-09-O: An Ordinance authorizing the Auditor to transfer the remaining balance of the Mersmans Demo Fund into the General Fund pursuant to O.R.C. 5705.14(d). Auditor Stewart explained that a reduction of revenue was erroneously booked for this fund. All the bills have been paid, and this legislation will fix the accidental booking. CM Jeffries stated, in relation to the Mersman demolition project, the residents across the street have been very patient waiting for the final clean up of the brick piles. Jeremy Hinton said the property owner wants to use the remaining brick, and will get it moved at their expense. They had two years with the grant agreement to have the property cleaned up. Administration will check when that deadline date is. CM Sell made a motion to pass the Ordinance to second reading, seconded by CM Larmore. Roll call vote 7-0 Aye.

49-9-O: An Ordinance accepting a donation for the purchase of trash receptacles for the beautification of Lakeshore Drive and declaring an emergency. CM King thanked the anonymous donor. This donation will purchase 3+ trash receptacles. The Rotary Club also donated money for additional receptacles. CM Scott made a motion to suspend the rules, seconded by CM Sovinski. Roll call vote 7-0 Aye. CM Larmore made a motion to pass the Ordinance, seconded by CM Buxton. Roll call vote 7-0 Aye.

OLD BUSINESS: (Second Reading)

44-09-O: An Ordinance authorizing the Safety Service Director to enter into a lease agreement with Norfolk Southern Railway Company and declaring an emergency. Kent reported that the railroad company has indicated to the City that they have no intention of making any deals with Roberts Town Tavern, and do not want them to use the area for their patron parking. Discussion continued on alternate parking solutions for the tavern. Kent will work with the owner to address the parking for both the tavern and the bait shop. CM Sell made a motion to pass the Ordinance to third reading, seconded by CM King. Roll call vote 6-1 Aye. CM Jefferies voted nay.

45-09-O: An Ordinance on intent to appropriate a thirty-five thousand one hundred eighty-six square foot, more or less, fee simple interest, along with the structure on that property, from John and Cheryl Larbus, said acreage located east of Ash Street and contiguous to the City of Celina Park, City of Celina, County of Mercer, State of Ohio. Further discussion continued on the purchase negotiations. CM King made a motion to pass the Ordinance to third reading, seconded by CM Buxton. Roll call vote 4-2-1 Aye. CM Jeffries and CM Sell voted nay. CM Larmore abstained.

11-09-R: A Resolution authorizing the Safety Service Director to represent the City of Celina as a member of the board of trustees of American Municipal Power, Inc. and declaring an emergency. The mayor reported that Director Bryan is attending the board meetings. The legislation was amended to include “her” and “she” throughout. CM Scott made a motion to accept the amended Resolution, seconded by CM Jeffries. Roll call vote 7-0 Aye. CM Scott made a motion to pass the Resolution, seconded by CM Sovinski. Roll call vote 7-0 Aye. CM Buxton made a motion to pass the Resolution, seconded by CM King. Roll call vote 7-0 Aye.

ADMINISTRATIVE REPORTS:

Mayor LaRue reported that Celina had another great Lake Festival. She also gave CM Scott a personal message. Patricia says “Mr. Scott gets the job done!” She thanks him for his assistance with getting a pothole fixed.

Director Bachelor reported:

- Wellman Bros. will be back on August 17th to continue City Hall Work.
- Lakeshore docks will be installed this week.
- The Police Department is planning a community event at Lakeshore Park for National Night Out August 4th.
- The Police Department has new uniform patches.
- Chief Slusser was pictured in the newspaper riding a Segway, which St. Rita's Hospital loaned to the City for use at the Lake Festival.
- Thanked Maharg Trash Service for their help picking up the trash this weekend. They do this service at no additional cost to the City for the Freedom Days, Lake Festival and Regatta events.
- The pool had 400 attendees for the family swim night.
- The next movie in the park will be held at Eastview Park hill on August 8th.
- Water services lines are being installed on Johnson Ave. The street will be closed to through traffic, but open to residents starting Tuesday.
- Carbon will be exchanged in tank #1 Tuesday. Sudman has reported that the refill times have been expanding. This tank was last exchanged 8 weeks ago.

Director Bachelor then gave a brief update on the budget:

- The solid waste impact fees are down \$5,500 from last year. The spring pick up expense was also smaller.
- \$107,107 in Stormwater fees has been collected. We are at 46.6% of the anticipated revenue. If we keep with the same trend, we will collect \$215,000 for the year.
- As expected, interest income is down \$100,000 from last year.
- The General Fund unencumbered balance was \$1,015,430.88 at the end of June. \$338,969 of last year's carryover has been expended, which is on track of what was projected. The Auditor added that 52.3% of the General Fund appropriations have been expended as of the end of July.

Council President Rodriguez thanked Bachelor for his work on the budget. She also welcomed Mike Sovinski, who was appointed to fill Bachelor's vacated seat on Council.

FOR THE GOOD OF THE ORDER:

Director Bryan requested a committee meeting for a walk through of the total DAF and water renewable energy project. A Council of a Whole committee meeting was set for Monday, August 3 at 4:30 pm at the utilities office.

CM Scott stated in reference to Don Gehle's previous comments, the minutes should be cleaned up if it was the Council of a Whole committee instead of the Parks and Recreation committee. CM King said the meeting notification will be reviewed to determine the correct meeting and will be brought back to the next meeting.

CM King asked:

- Director Bryan the status on the Eastview Park restrooms. He replied that the final designs are done and requested a committee meeting to review the final draft. A Parks and Recreation Committee meeting was set for Wednesday, July 29 at 4:30 pm at the utilities office.
- Auditor Stewart if the percentage discrepancies on the financial reports have been cleared up. The auditor responded there are about 17 standard reports that CMI is checking them all for accuracy.
- Where we stand with the building and construction guidelines. Director Bachelor reported that the department heads have until Friday to give their comments on the draft. He hopes to have the final draft ready for Council review by the second meeting in August.

CM Larmore reported that the alley between Godfrey and Brandon from Logan to Warren Street is also in need of repair. He also reported that the Rotary Club donated money towards the trash containers and would like a photo op.

CM Buxton asked:

- Jeremy Hinton about the dirt piles being left by the contractors installing the fiber optic lines for Wabash Communications. Jeremy stated that he assumes they will have a landscape crew come back and level them all at the end of the project, instead of handling each pile as they go.
- If the old roller rink property owner has been notified to clean it up. Administration will follow up with the police department.
- Where the City is in regards to the top coating on streets for subdivisions. Jeremy stated certified letters have been sent to Westbury and White Tree Investments, with no response to date. He will be following up with the owners.

CM Jeffries stated he received two calls of tile falling off the 2nd and 3rd floor of the scrapbook building on Main Street. Kent said the property owner is taking part in the downtown grant for improvements to the building. The tiles have been checked, but he will have them looked at again.

CM Sell reported:

- He received a complaint about the curb cut at Myers Road and Grand Lake at too steep an angle. Kent and Jeremy will look into it.
- He received a complaint about a vehicle parked over the sidewalk on Princeton Ave. He was advised that the police department needs to be told about those situations.
- He was asked how much the cost is for the lights that shine on the water tower at night.
- He received a complaint about the alley in the 400 block of Anthony and Wayne. Administration will have the public works department look at it.

President Rodriguez received letters from residents in opposition of the Amp coal plant. The mayor stated that the Ohio Citizens Action Group was going door to door giving residents information on the project. She has received 50 to 60 letters, and feels people are mistaken about the location of the plant. Bachelor explained that the plant is in Meigs County, and Celina has committed to 19 megawatts, which will result in 1/3 of our total power. The life expectancy of the plant is 50 years. Celina is also involved in hydroelectric, NYPA, and Prairie State energy projects through AMP. A representative from AMP will be meeting with Administration Wednesday (July 29) for updates on Celina's electric power supply. CM Sovinski stated that there are "buy green" programs that customers can participate in like the wind power, but at a higher cost.

Mayor LaRue stated that is uplifting to hear the positive remarks people have been giving about the City and the lake projects. She thanked Council for allowing Administration to do these projects.

President Rodriguez adjourned the meeting at 9:36 p.m.

Joan S. Wurster, Interim Council Clerk