

**GALION CITY COUNCIL
MINUTES OF REGULAR MEETING
APRIL 27, 2010**

A Regular Meeting of Galion City Council was called to order by President Baldinger at 7:00 p.m. The Pledge of Allegiance was said followed by the Invocation given by Dr. Fellner. The following Council members were present: Ms. George, Dr. Fellner, Mrs. Wade, Mr. Keib, Mr. Smith, Ms. Clark, and Mr. Baldinger.

President Baldinger asked if there were any changes to the minutes dated April 13, 2010. There being no changes, a motion was made by Ms. George and seconded by Mrs. Wade that the minutes dated April 13, 2010 be approved as written. Motion carried.

President Baldinger asked if there were any changes to the agenda. He added an Executive Session for the purpose of discussing the position of City Manager. Mrs. Wade added discussion of the Eagle Crusher demolition to Other Business. There being no further additions a motion was made by Dr. Fellner and seconded by Ms. George that the agenda be approved as amended. Motion carried.

RECOGNITION OF 4TH GRADERS FOR SEEDLING SURVIVAL

Sharon Barnes, member of the Tree Commission, was present and explained that all 3rd graders in Galion are provided with a tree seedling each year. To see if the program was working, the Commission decided to ask the 4th graders to send in pictures of themselves beside their trees. Being one year later, they wanted to see how many seedlings may have survived. Mrs. Barnes said the 4th graders that sent in pictures and the ones who are present tonight were being honored for planting and nurturing their blue spruce seedlings. Before the Council meeting they toured the police and fire departments. Mrs. Barnes said this is all part of the Arbor Day celebration. She then passed out certificates of congratulations to all the kids while Ms. George read their names. Mrs. Barnes thanked Ms. George and Administrative Secretary Carol Dayne for their help in administering the program.

LEGISLATION

Ordinance No. 2010-19 entitled an ordinance authorizing the City Manager of the City of Galion, Ohio, to advertise for bids and to enter into a contract with the lowest and best bidder therefor, as provided by law, for a chipper truck for the electric division and authorizing payment therefor. This is the first reading of this ordinance. Acting City Manager Toy stated that this purchase is included in the annual budget and recovery plan for the electric department. He explained that it is part of the rotation of equipment for the department. The current chipper truck is a 1999 and the repairs and maintenance are starting to add up.

Jeff Price, Superintendent of Electric Line Department, said that they have put \$5,000 into repairs for the truck since 2007. Mrs. Wade asked if the new chipper truck will be a regular cab or a crew cab. Mr. Price said that it will actually be a cab and a half so they will have room to stack stuff in the back. He stated that they have to go to bid on this because the state contract does not offer a chipper truck with a diesel engine. Jeff Lehart, 624 W. Church St., asked if the tree trimming work can be contracted out rather than city employees doing the work. Mr. Price said they have done that in the past, but there is still plenty of work for two full time employees and one apprentice. He also pointed out that when a big storm hits it's good for the city to have its own workers instead of waiting for a private contractor to do the work. Mrs. Wade asked what is budgeted for this type of work this year. Mr. Price said that he budgeted \$20,000 for tree removal just in case we need it. Last year they spent \$10,000. There being no further comments, a motion was made by Ms. George, seconded by Mr. Smith and carried that this be considered the first reading of this ordinance and that this ordinance be referred to a regular meeting held May 11, 2010 for a final vote. The ordinance was passed for a first reading by a 6 – 1 vote. Dr. Fellner voting nay.

Ordinance No. 2010-20 entitled an ordinance amending Ordinance No. 2009-86 (permanent 2010 appropriations) by appropriating the sum of nine thousand five hundred dollars (\$9,500.00) within the general fund (101), and declaring an emergency. Acting City Manager Toy said this ordinance is in response to a situation involving compliance with a prior city ordinance, in which a fire at 136 N. Union St. resulted in the city's retention of 10% of the insurance money from a claim by that property's owner. The property owner recently closed on the sale of that property and the city is now obligated to return the funds. Acting City Manager Toy said the 10% retained is for the security of the property after the fire. Mrs. Wade asked if the insurance money should have gone into an agency fund, as opposed to the general fund. State appointed auditor Belinda Miller said that yes, in the future that should be the course of action. City Law Director Reese Mills pointed out that the 10% insurance money that was retained was contingent on the settlement of the insurance claim by the property owner who is required by the city to secure or board up the property for safety reasons, not on the sale of the property. Fire Chief Mick Christini stated that to the best of his knowledge the new property owner plans to repair the property. There being no further comments, a motion was made by Ms. George, seconded by Dr. Fellner and carried that this ordinance be passed. The ordinance was passed by a 6 – 1 vote. Dr. Fellner voting nay.

Ordinance No. 2010-21 entitled an ordinance clarifying employee rights to city insurances while on military leave, and declaring an emergency. Acting City Manager Toy stated that we are required by federal mandate to advise city employees that they have the option to purchase COBRA while on military leave, if they wish. He also said that most of those active in the military would choose to accept the insurance provided by the military instead of paying for COBRA. There being no further comments, a motion was made by Ms. George, seconded by Mr. Smith and unanimously carried that this ordinance be passed.

OTHER BUSINESS

Brain Rockwell, Coordinator for the Crawford County Solid Waste Management District (SWMD), discussed the SWMD plan. Mr. Rockwell said that in 1989 House Bill 592 was created and stated that all counties in Ohio are to have a solid waste management plan. He said the plan is a regularly scheduled five year update on the existing SWMD plan for the district. One change from the existing plan is the addition of an emergency clause which would enable the district to take advantage of FEMA funds in the event of a natural disaster, such as the flooding of 2007. He also mentioned that they have recycling centers at various locations throughout Crawford County. He mentioned that the 2nd and 4th Thursday of each month at the Galion Intermediate and Middle Schools they are on hand to collect recyclables. There will also be a Household Hazardous Waste Drop-off Day on June 12th from 8:00 a.m. to 1:00 p.m. at the Crawford County Fairgrounds. Mr. Rockwell also explained that they are funded by those who deposit municipal waste in the landfill and that the landfill accepts garbage from out of county sources at a higher rate per ton. The good news is that the fees will be lowered this year because the company Santek Environmental that runs the landfill has done a great job of managing it. He is asking that Council pass a resolution that states the city agrees with the solid waste plan. The resolution is required by the EPA and needs 60% of the population in Crawford County to accept it. A resolution will be presented at a future council meeting for council's review.

Mrs. Wade opened up discussion concerning the Eagle Crusher demolition. She asked Mr. Mills if there was anything further the city could do about the demolition site. He said that he hasn't been able to find anything on the city's books or ordinances, or in the Ohio Revised Code that would allow the city to take action. With asbestos being present professionals are needed to deal with it and dispose of it. He said a resolution from Council to the EPA may help. Dr. Fellner said that he spoke with an EPA representative and explained that there are two parties involved – Eagle Crusher and Recycling Creations. There was a permit granted by the city but neither party filed with the EPA. The EPA representative wants to impose violations upon the two parties and have an evaluation done on the material at the site before it is hauled off. Dr. Fellner said if the building where the fire started is not considered a structure anymore then none of this applies. The insurance company took pictures of the burnt building but won't release any photos. The EPA has filed legal paperwork against both parties, but it's moving very slowly.

Mr. Keib asked who is actually responsible for this. Mr. Mills said the property owner would be. Mrs. Wade suggested maybe doing with this property what we did with Atwood Manor, somehow purchase it and get the funds to finish the demolition. Dr. Fellner said that the EPA will pursue this, but going at a very slow pace. They sent certified letters to both parties and both parties did reply with a letter of their own, so they are aware that the EPA is involved.

Mr. Keib suggested passing a resolution so at least it's on record that Council has an interest in this and that we asked them to clean it up. Dr. Fellner stated that he would keep calling the EPA to get updates. Mrs. Wade said she would call also. Bob Cerar, 324 W. Atwood St., suggested we contact our legislators, senators, congressmen, and representatives to see if we can get some help from them. Council members agreed and will contact some people to see what can be done.

CITY MANAGER COMMENTS

Acting City Manager Toy reminded everyone that the Taylor Road composting facility will be open every 3rd Saturday and the Friday before every month through November. Check the city's website for dates and times.

Acting City Manager Toy announced Friday, April 30th is the Arbor Day tree planting ceremony. We will be planting two trees possibly between the tennis courts and Gill Avenue or behind the Center Y.

He announced an H1N1 vaccination clinic to be held tomorrow at the Crawford County Fairgrounds.

Acting City Manager Toy said we will be closing on the Atwood Manor property on May 11th and the bids will go out sometime in June for demolition.

PUBLIC COMMENTS

Jeff Lehart, 624 W. Church St., asked where Council stands on the utilities rate hike repeal. Mr. Keib said they are working on it. There is a snag in the verbage which is being reconsidered. He said that there will be a major adjustment and we will be announcing it soon.

Ed Moffett, 400 Euclid Ave., commented on the City Manager position. He said that if Gene Toy has been doing the job already, why not go with him and get this settled? He would like to see Council make Gene Toy the new City Manager. Steve Rowan, SR 61, agreed with Mr. Moffett.

There being no further business to discuss, a motion was made by Ms. Clark and seconded by Ms. George that Council move into Executive Session to discuss the hiring of a City Manager at 8:20 p.m. The motion was carried by the following votes: Mrs. Wade – yea, Mr. Keib – yea, Mr. Smith – yea, Ms. Clark – yea, Ms. George – yea, Dr. Fellner – yea, and Mr. Baldinger – yea.

Council reconvened at 8:40 p.m.

A motion was made by Ms. George and seconded by Mr. Smith to extend the contract of City Manager to Gene Toy. Mrs. Wade commented that the only thing she is not comfortable with is the residency requirement. She feels we need to do something to change our city charter to reflect that we do not require the City Manager to live within the city's limits. The motion was passed by the following votes: Mrs. Wade – nay, Mr. Keib – yea, Mr. Smith – yea, Ms. Clark – yea, Ms. George – yea, Dr. Fellner – yea, and Mr. Baldinger – yea.

President Baldinger clarified that the same offer will be extended to Gene Toy as Dr. Lisa Thomas, with the exception of the signing bonus. He also clarified that he will be offered the same salary that our previous City Manager, Dave Oles was receiving when he left. Council agreed.

There being no further business to discuss the meeting was adjourned at 8:45 p.m.

Gail Baldinger
Council President

Michelle Talbott
Clerk of Council