

## **MINUTES OF THE REGULAR MEETING OF CITY COUNCIL**

Held on Monday, April 27, 2009

6:30 P.M.

### **CALL TO ORDER**

The regular meeting of Sidney City Council was called to order at 6:30 P.M. Monday, April 27, 2009, with Mayor Mike Barhorst presiding.

Councilman Hamby opened the meeting with a moment of prayer, followed by the Pledge of Allegiance.

### **ROLL CALL**

The following Council members were present and answered roll call: Mike Barhorst, Steve Hamby, Frank Mariano, Katie McMillan, Tom Miller, and Mardie Milligan.

Also attending was: City Manager Steve Stilwell, Law Director Mike Smith, Purchasing Manager Gary Gerkey, Acting Police Chief Mike Lundy, Fire Chief Stan Crosley, Parks Director Duane Gaier, Public Works Director Bill Gosciewski, Community Services Director Barbara Dulworth, Assistant Finance Officer Renee DuLaney, City Engineer Scott Landon, Water Supt. Larry Broughton, Utility Office Supv. Karen Berning, Street Supt. Marty Keifer, and Utility Director Chris Clark.

### **APPROVAL OF MINUTES**

Minutes of the April 6, 2009 Workshop Meeting and April 13, 2009 Regular Meeting were presented for approval.

Council member McMillan moved, with Councilman Miller seconding a motion to accept the minutes as submitted. The roll call vote was unanimous and the minutes were approved.

### **CITIZEN COMMENTS**

John Irscher, President of CJ Highmarks was present and raised a question concerning signage and permits for this signage. City Manager Stilwell thanked him for his recent communication with the City and indicated Community Services Director Barbara Dulworth will be taking this matter to the May meeting of the Planning Commission for further review. Stilwell commented he would provide Irscher with copies of this information.

### **PROCLAMATION - Law Day**

Mayor Barhorst read a proclamation declaring May 1, 2009 Law Day USA and presented a copy of the proclamation to Mike Staudt, President of the Shelby County Bar Association. Mike thanked Council for this proclamation and shared the focus and theme for the proclamation this year is "A Legacy of Liberty – Celebrating Lincoln's Bicentennial"; adding he can't think of a better representation to guide us in these troubled times.

## **PRESENTATION – Firefighter of the Year**

Fire Chief Crosley explained each year the Department of Fire & Emergency Services recognizes an individual for outstanding performance. He noted members are nominated by their peers and evaluated by a committee on various criteria; and announced the Firefighter of the Year for 2008 as Tony McLain. It was noted Tony's father, Keith McLain received the first Firefighter of the Year Award in 1996. Tony thanked City staff and his fellow firefighters; noting this is a group honor to receive this recognition. Tony added it was also a special honor to be following in his father's footsteps.

## **PRESENTATION – Framed City Flag**

Sherry and Doug Pottorff next presented the City with a framed copy of the City Flag. Sherry commented she is very proud of her community, this flag and her husband for designing the flag. Mayor Barhorst commented he is honored to receive this flag and assured the Pottorff's it will be displayed proudly.

## **ADOPTION OF ORDINANCES**

(A-2600) AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES FOR THE CITY OF SIDNEY, OHIO

Law Director Smith explained this ordinance accepts the recent codification of all ordinances passed by City Council over the past several months.

It was moved by Councilman Mariano, seconded by Council member Milligan to adopt this ordinance as presented. The roll call vote was unanimous and Ordinance A-2600 was declared adopted.

(A-2601) AN ORDINANCE AMENDING THE TRAFFIC CONTROL MAP ESTABLISHED BY SECTIONS 305.01 AND 305.02 OF THE CODIFIED ORDINANCES REGARDING RIGHT TURN ON RED AT WAPAKONETA AVENUE AND RUSSELL ROAD

Public Works Director Gosciewski explained because of the closing of Parkwood School on Russell Road, the school related traffic signs and signals at or near the intersection of Wapakoneta Avenue and Russell Road could be removed.

Councilman Mariano moved and Councilman Miller seconded a motion to adopt this ordinance as presented. The roll call vote was unanimous and Ordinance A-2601 was declared adopted.

## **INTRODUCTION OF ORDINANCES**

(A-2602) AN ORDINANCE REPEALING CHAPTERS 705, 709, AND 733 AND AMENDING SECTION 701.15(f) OF THE CODIFIED ORDINANCES REGARDING BUSINESS REGULATION

Law Director Smith explained there are a number of sections of the Codified Ordinances that are obsolete or the subject matter is now regulated by the Ohio Revised Code. He reviewed these

chapters, explaining why they are no longer needed in the City's Codified Ordinances. Smith also reviewed Section 701.15(f), noting some typographical errors this ordinance would amend.

This will return to Council's May 11, 2009 agenda for further consideration.

## **RESOLUTIONS**

### **(24-09) A RESOLUTION APPROVING THE SIDNEY, OHIO IDENTITY THEFT PREVENTION PROGRAM**

Assistant Finance Officer DuLaney explained by May 1, 2009 the City is required to adopt an Identity Theft Prevention Program in accordance with the Federal Fair and Accurate Credit Transactions Act. She explained it is believed by reducing identity theft possibilities at the municipal utility level, possibly identity theft elsewhere can be reduced.

Mayor Barhorst questioned whether this program would require the City to do anything differently, and Utility Office Supv. Berning noted this new program would require an individual signing up for services to come into the office vs. previously accomplishing this over the phone.

It was moved by Councilman Miller, seconded by Council member McMillan to adopt this resolution as presented. The roll call vote was unanimous and Resolution 24-09 was declared adopted.

### **(25-09) A RESOLUTION TERMINATING THE ENTERPRISE ZONE AGREEMENT WITH CARGILL INCORPORATED**

Community Services Director Dulworth explained this resolution would rescind the Enterprise Zone Agreement between the City and Cargill. She noted since the company failed to fulfill its obligations as spelled out in this agreement, the Tax Incentive Negotiating Team is recommending termination of the agreement.

Councilman Mariano moved and Councilman Miller seconded a motion to adopt this resolution as presented. The roll call vote was unanimous and Resolution 25-09 was declared adopted.

### **(26-09) A RESOLUTION TERMINATING THE ENTERPRISE ZONE AGREEMENT WITH LEAR OPERATIONS CORPORATION, NOW KNOWN AS IAC SIDNEY, LLC**

Community Services Director Dulworth explained this resolution would rescind the Enterprise Zone Agreement between the City and IAC (formerly Lear). She indicated IAC has requested termination of their agreement as the abatement no longer provides any value for the company.

It was moved by Council member Milligan, seconded by Councilman Mariano to adopt this resolution as presented. The roll call vote was unanimous and Resolution 26-09 was declared adopted.

### **(27-09) A RESOLUTION ACCEPTING THE RECOMMENDATIONS DATED MARCH 26, 2009 FROM THE TAX INCENTIVE REVIEW COUNCIL REGARDING ENTERPRISE ZONE AGREEMENTS**

Community Services Director Dulworth explained annually the Tax Incentive Review Council is required to review all agreements granting property tax exemptions and determine whether the owner has complied with the agreement. She reviewed the list of agreements to be continued:

Cargill/Custom Dressings  
Freshway Foods (Gilardi)  
NK Parts  
Advanced Composites (2)

Electro Controls  
ITW (Peerless)  
Hexa Americas  
Emerson Climate Technologies

Councilman Mariano moved and Councilman Miller seconded a motion to adopt this resolution as presented. The roll call vote was unanimous and Resolution 27-09 was declared adopted.

(28-09) A RESOLUTION AUTHORIZING THE CITY MANAGER TO PURSUE A SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT – COMMUNITY HOUSING IMPROVEMENT PROGRAM GRANT PROGRAM AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A GRANT AGREEMENT

Community Services Director Dulworth explained this resolution would authorize the City's submittal of a \$500,000 CHIP application and reviewed the breakdown of proposed projects for this funding:

\$252,000 - private owner rehabilitation	\$88,000 - home repairs
\$100,000 - tenant-based rental assistance	\$60,000 - administration activities

Council member McMillan questioned the tenant-based assistance and asked how often and how much assistance this would provide.

Dulworth explained she felt this funding would permit assisting approximately 30 individuals and added sometimes this assistance can be for more than one month.

In response to a question from Councilman Hamby, Dulworth explained tenant-based assistance is handled through Metropolitan Housing Authority.

It was moved by Councilman Miller, seconded by Council member Milligan to adopt this resolution as presented. The roll call vote was unanimous and Resolution 28-09 was declared adopted.

(29-09) A RESOLUTION REAPPOINTING MARDIE MILLIGAN AND GREGORY BONNORONT TO THE DOWNTOWN DESIGN REVIEW BOARD

City Manager Stilwell explained this resolution would reappoint Mardie Milligan and Greg Bonnoront to new three-year terms on the Downtown Design Review Board. He noted these new terms will expire May 1, 2012.

Councilman Mariano moved and Council member McMillan seconded a motion to adopt this resolution as presented. The roll call vote was unanimous and Resolution 29-09 was declared adopted.

(30-09) A RESOLUTION REAPPOINTING DAVID J. DURBIN TO THE BOARD OF BUILDING CODE APPEALS

City Manager Stilwell explained this resolution would reappoint David Durbin to a new five-year term on the Board of Building Code Appeals. The new term will expire May 19, 2014.

It was moved by Councilman Miller, seconded by Councilman Mariano to adopt this resolution as presented. The roll call vote was unanimous and Resolution 30-09 was declared adopted.

## **MISCELLANEOUS**

### **Discussion – Consumer Confidence Report**

Water Supt. Broughton introduced Assistant Water Supt. Shawn Withrow and reviewed the annual “Consumer Confidence Report” explaining the source of the City’s water, testing done and overall operations at the plant. Broughton noted this annual report will be inserted with customer’s utility bills, thus saving the City additional postage costs.

### **Council Comments**

Councilman Hamby commented he had recently attended a Homeowners Association meeting of Fourth Ward residents and shared they have a “clean-up day” planned and would like some assistance from the City for this event; suggesting possibly providing a dump truck for their use.

Hamby also noted he had received telephone calls concerning the sidewalk repair program, adding some residents have asked for relief from this project in light of the present economy. Hamby asked staff to take a look into this concern.

Councilman Hamby also asked staff to take a look at the vicious dog portion of the code, noting his concern for the welfare of citizens.

Council member Milligan noted with the construction of the Russell Road bridge and the resulting increased traffic on SR 47, and questioned whether timing of the traffic signals could be reviewed. Councilman Miller suggested staff check this area during 3:00 – 3:30 as he feels traffic is very heavy during this time period.

Public Works Director Gosciewski commented he is already looking at this concern.

Mayor Barhorst commended staff for the improvement of the traffic signal at SR 29 and Russell Road. He also shared he had received praise for Tawawa Park and its appearance. Barhorst also noted he had attended the DARE graduation at Northwood and complimented the Police Department for the work they are doing with this program; adding it is very impressive.

Barhorst also questioned the recent news concerning pandemic flu and what precautions the City is taking. Fire Chief Crosley responded his department has inventoried the supply of face masks as well as talked with the EMA Director, noting they will be meeting with the Health Department, hospital and Police Department to review this situation and will then have more information to share with Council.

It was moved by Councilman Mariano, seconded by Councilman Miller to excuse Councilman Pellman from tonight's meeting due to family health concerns. The voice vote followed unanimously.

### **City Manager Comments**

City Manager Stilwell noted staff would be happy to participate in neighborhood meetings if they are requested. He also reminded Council of the Miami Erie Canal Corridor Association annual dinner scheduled for April 30 and urged Council to participate if they are interested. Stilwell noted the annual capital tour with Council has been scheduled for Saturday, June 6 and urged them to share any additional locations they may want added to the schedule for that day.

City Manager Stilwell announced Wastewater Supt. Brian Schultz has recently passed his Class 4 license requirement and congratulated him for this accomplishment.

Stilwell also advised Council the grand opening of the new Shelby Public Transit facility is scheduled for May 26 and more details will be provided closer to that time.

### **ADJOURNMENT**

At 7:35 PM with nothing further to come before Council, Councilman Mariano moved and Councilman Miller seconded a motion to adjourn. The voice vote was unanimous and the meeting was adjourned.

The meeting was held pursuant to Sidney City Council Rules.

Respectfully submitted,

M. Jocene Fahnestock  
City Clerk

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Mayor