

MINUTES OF THE REGULAR MEETING OF CITY COUNCIL

Held on Monday, August 10, 2009

6:30 P.M.

CALL TO ORDER

Mayor Barhorst called the regular meeting of Sidney City Council to order at 6:30 P.M. Monday, August 10, 2009. Councilman Mariano 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, Frank Mariano, Katie McMillan, Tom Miller, Mardie Milligan, and Terry Pellman.

Also attending was: City Manager Steve Stilwell, Law Director Mike Smith, Asst. City Manager-Administrative Services Tom Judy, Police Chief Kevin Gessler, Fire Chief Stan Crosley, Parks Director Duane Gaier, Public Works Director Bill Gosciewski, Community Services Director Barbara Dulworth, Finance Officer Ginger Adams, Revenue Collections Office Supervisor Susan Lukey, Utility Office Supv. Karen Berning, City Engineer Scott Landon, and Utility Director Chris Clark.

APPROVAL OF MINUTES

Minutes of the July 27, 2009 Regular Meeting and August 3, 2009 Workshop Meeting of Sidney City Council were presented for approval.

Council member Milligan questioned the reference in the July 27 minutes to a comment she made concerning Ordinance A-2617. City Manager Stilwell summarized the minutes could reflect a question was raised.

Councilman Mariano then moved, with Councilman Miller seconding a motion to accept the minutes as amended. The roll call vote was unanimous and the minutes were approved as amended.

CITIZEN COMMENTS

Rick Sims, 921 E. Parkwood, questioned the current status of the City's budget and whether any further cuts are going to be necessary.

City Manager Stilwell responded staff has been asked to remove another \$1 million from their budgets; adding Council will be reviewing a report on this at their September 7, 2009 workshop meeting.

ADOPTION OF ORDINANCES

(A-2617) AN ORDINANCE AMENDING SECTION 911.10 OF THE CODIFIED ORDINANCES REGARDING RECONNECT CHARGE FOR WATER SERVICE

Utility Director Clark introduced Utility Office Supv. Karen Berning in attendance tonight and explained this ordinance would amend the Codified Ordinances to include a water meter auto read project. He noted once this program is completed, the City will be able to reduce the metering staff from four to two. Clark added this reduction would be done through attrition. He reviewed the proposed amendments necessary.

Councilman Miller questioned whether information concerning turn-offs would be communicated to residents and Finance Officer Adams responded this information will be placed on the bills.

Council member Milligan questioned whether staff has looked at a call program to leave messages for residents who may be subject to an upcoming turn-off and Utility Director Clark advised he would ask the IT department to look into this possibility.

It was moved by Councilman Pellman, seconded by Council member Milligan to adopt this ordinance as presented. The roll call vote was unanimous and Ordinance A-2617 was declared adopted.

(A-2618) AN ORDINANCE AMENDING SECTION 549.11(A) AND REPEALING SECTION 925.13 OF THE CODIFIED ORDINANCES REGARDING FIREARMS

Law Director Smith explained as a result of the Ohio Assembly recently passing RC 9.68 which prohibits municipal authorities from passing ordinances restricting the possession and use of firearms contrary to the Ohio Revised Code, Sidney must repeal Section 925.13 and amend Section 549.11 of our Codified Ordinances. He noted as a result of this proposed ordinance, firearms will now be permitted in City parks or beauty areas. The discharge of a firearm within the City for purposes of self defense will also be permitted.

Councilman Mariano moved and Councilman Pellman seconded a motion to adopt this ordinance as presented. The roll call vote was as follows: Barhorst – no, Mariano – yes, McMillan – yes, Miller – yes, Milligan – yes, and Pellman – yes. Ordinance A-2618 was declared adopted by a 5/1 vote.

(A-2619) AN ORDINANCE AMENDING SECTION 1149.08 OF THE CODIFIED ORDINANCES REGARDING TEMPORARY AND PORTABLE SIGNS

Community Services Director Dulworth explained this ordinance would make various changes to the regulations governing temporary and portable signs. She noted while staff is aware of the economy's impact on local businesses, regulation of signs is not economy-driven, but is done to promote traffic safety, public safety, aesthetics, and property values. She reviewed each of the proposed amendments. Dulworth noted it is staff's opinion the proposed temporary sign regulations maintain the intent of the regulations while allowing more flexibility for the business owner.

Mayor Barhorst advised Council he had spoken with John Irscher (CJ Highmarks), Dan Hemm (Hemm Chevrolet-Cadillac), Scott Barr (US Bank), and Matt Goffena (Goffena Furniture) who all voiced their support of this ordinance.

It was moved by Council member McMillan, seconded by Councilman Miller to adopt this ordinance as presented. The roll call vote was unanimous and Ordinance A-2619 was declared adopted.

INTRODUCTION OF ORDINANCES

(A-2620) AN ORDINANCE MAKING SUPPLEMENTAL APPROPRIATIONS FOR THE YEAR 2009

Finance Officer Adams explained this ordinance would increase appropriations to the 2009 budget by \$233,707 and reviewed each of the proposed changes.

This will return to Council's August 24, 2009 agenda for further consideration.

(A-2621) AN ORDINANCE AMENDING SECTION 920.03 OF THE CODIFIED ORDINANCES REGARDING ANNEXATION

Utility Director Clark explained recent City proposals to provide property in the area of Kuther and Millcreek serviceable with City utilities for Economic Development. He noted those attempts have failed and the County has been under orders from OEPA since 2007 to address sewage issues at the Stephens Subdivision. Clark commented during the City's efforts to obtain grant funding for industrial sites in this area, it became apparent that by working with the County on their sewage issues, the City could provide sewer services for industrial development. He explained this ordinance would provide a mechanism in the annexation rules to provide sewer services to County owned facilities without annexation. This ordinance would allow the City to contract with the County to provide this sewer service without annexation. Clark reviewed the following conditions of this agreement with the County:

- County would poll Stephens Subdivision residents to ascertain interest in annexation
- Pay half the cost of installing gravity sewer on Kuther from Campbell to Stephens Sub.
- City would provide sewer service to County without annexation
- County would agree to limit Stephens Sub. Service area to only existing homes
- County would work towards elimination of I & I within the subdivision
- City would master meter County flows and County would pay "Outside City Sewer Rate"
- Residents of Stephens Subdivision would remain customers of the County

Council member McMillan commented she felt this is setting a precedent by allowing services without annexation for Stephens Subdivision, in light of other County-serviced areas (Arrowhead and Hickory Dell). Clark noted this ordinance would require separate application for each location wanting services and Council would then have the opportunity to consider each request separately.

Council member Milligan questioned whether capital improvement costs are included and Clark responded this would be on a case-by-case agreement brought back to Council for review.

Council member Milligan questioned whether there is any timeframe for considering possible annexation and also whether the time will come when the City can't take any more I & I.

City Manager Stilwell responded there has been no discussion about a timeframe, but the City is simply working with the County to provide appropriate sewer treatment for this area.

County Engineer Bob Geuy commented he has been working with this subdivision since 1990 concerning the many problems with their sewer system. He added the County has to address the I & I problem now and will be repairing 90%+ of the line on Stephens Drive as well as manholes. Geuy indicated he hopes to get this project under contract in the next few weeks.

Law Director Smith questioned whether the Stephens Subdivision is built out and Geuy responded he felt it was; however there are some lots on Jonathan Drive not built on.

Council member Milligan questioned whether the County could change their mind in the future and disconnect from the City sewer and what would then happen to the City's expense. City Manager Stilwell commented he would have to think about this possibility; adding he thought any such disconnect would be difficult to do.

Councilman Mariano commented he feels it is good the City and County are working together on this matter, adding he would really like to see this area annexed, but if not, he is happy both groups are working together to correct this problem.

Councilman Pellman questioned whether the County is wanting out of the sewer business and Geuy responded he thought this is a good idea, but OEPA won't let them out.

Property owner of 1290 Stephens Road commented he appreciates the City working with the residents to correct this problem; adding the majority of homeowners in the area aren't interested in annexation. He also requested copies of Council's decisions and City Manager Stilwell responded these are all public records and would be available.

A resident of 3083 Jonathan Dr. commented this agreement would give the residents the option of staying where they are.

A resident of 2966 Millcreek commented the vacant lots in this subdivision have wording in the deed they would have sewer rights to the existing system. City Manager Stilwell commented he would be in agreement with this and would work with Geuy to have this included in the agreement.

Rick Sims, 921 W. Parkwood questioned whether the County would pay the surcharge and Clark responded they would.

Councilman Pellman commented while this procedure would be setting a precedent, he feels the circumstances are unusual and feels the City has a lot to gain concerning future possibilities for this area if this sewer is extended.

Councilman Miller commented he feels this is a good way to go.

This too will return to Council's August 24, 2009 agenda for further consideration.

RESOLUTIONS

(48-09) A RESOLUTION APPOINTING MERRILL ASHER TO THE SIDNEY PLANNING COMMISSION

City Manager Stilwell explained this resolution would appoint Merrill Asher to fill out the unexpired term of Harold Wiley on the Sidney Planning Commission. This term would expire October 1, 2014.

It was then moved by Councilman Mariano, seconded by Council member McMillan to adopt this resolution as presented. The roll call vote was unanimous and Resolution 48-09 was declared adopted.

(49-09) A RESOLUTION APPOINTING KEN WYSONG TO THE ZONING BOARD OF APPEALS

City Manager Stilwell explained this resolution would appoint Ken Wysong to a five-year term on the Sidney Zoning Board of Appeals. He noted this term would expire June 30, 2014.

Councilman Miller moved and Councilman Pellman seconded a motion to adopt this resolution as presented. The roll call vote was unanimous and Resolution 49-09 was declared adopted.

(50-09) A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION, REGARDING RECONSTRUCTION OF WAPAKONETA AVENUE FROM PARKWOOD STREET TO INTERSTATE 75.

City Engineer Landon explained this resolution would authorize the City Manager to enter into an agreement with ODOT for reconstruction of Wapakoneta Avenue from I-75 to Parkwood Street.

Councilman Mariano questioned whether we can coordinate with Vectren to see if they have any work planned for this portion of Wapakoneta before this reconstruction is completed.

Councilman Miller questioned the intersection of Parkwood would be included in this project and Landon responded it would be.

Council member McMillan questioned whether sidewalk would be constructed with this project and Landon responded the majority of the area will have sidewalk (with the exception of that area not in the corporate limits).

It was moved by Councilman Mariano, seconded by Council member Milligan to adopt this resolution as presented. The roll call vote was unanimous and Resolution 50-09 was declared adopted.

MISCELLANEOUS

Discussion – Engineering Standards

City Engineer Landon next reviewed some proposed modifications to the City's Engineering Standards.

Mayor Barhorst questioned the proposed restriction of grinding raised portions of sidewalk, and Landon responded sidewalks deteriorate quicker after they have been ground down. Council member Milligan also questioned this restriction of grinding in light of the present economy.

Council agreed to remove the proposed standard to prohibit grinding down sidewalks to remove tripping hazards.

Discussion – Camp Brookside

Parks Director Gaier next gave Council an update on the future of Camp Brookside. He noted the Community Foundation of Shelby County requested the City submit a proposal to acquire Camp Brookside in response to a letter from the Girl Scouts of Western Ohio asking to withdraw its lease commitment for Camp Brookside. The Foundation then recommended award of this 27+ acres of land to the City.

Duane introduced Marian Spicer, Executive Director of the Community Foundation and Jane Krites, Executive Vice-Pres. of Girl Scouts of Western Ohio. He then shared a brief history of the camp since its inception in 1949 as well as some proposed future plans for the area.

Councilman Mariano questioned whether the scouts would be able to use this area and Gaier responded he will make an effort to make the area available to them.

City Manager Stilwell commented all planning efforts would come back to City Council for review; noting this seems like a logical extension of Tawawa Park.

Council member Milligan questioned whether there is money in Parks and Recreation for this development and Gaier responded there is no money presently available. City Manager Stilwell commented the City hopes to get local partners to help with this project, also Clean Ohio may have some grants available. Council member Milligan commented she is very much in favor of maintaining the lodge at this site.

Jane Krites, Executive Vice-Pres. of Girl Scouts of Western Ohio commented she hopes Brookside will be maintained as a green space for boys and girls or an environmental center. Krites added the Girl Scouts do have the responsibility of removing equipment from this site.

John Greiwe, Perry Township Trustee commented there are issues of flooding along Knoop Johnston, affecting the drive. He indicated the Trustees' willingness to work with the City on this project, adding they would like to be kept informed as things develop. City Manager Stilwell assured them he would try to keep them updated.

Mayor Barhorst thanked Krites and Spicer for attending tonight's meeting.

Discussion – Liquor License Transfer – CJ Highmarks D5 and D6

City Manager Stilwell explained the City received a request from CJ Highmarks, 2599 W. Michigan Ave. for a stock transfer of a D5 and D6 liquor license. He noted the Police

background report indicates no known reason to oppose this liquor license request. Council voiced no objection to this request.

City Manager Comments

City Manager Stilwell reminded Council students from the University of Dayton would be arriving in town August 12 as a part of a UD/Miami Conservancy analysis of the Miami River. Council was invited to participate in a meeting with community representatives to receive information on Sidney's historic attachment to the Miami River.

ADJOURNMENT

At 8:25 PM with nothing further to come before Council, Council member Milligan moved and Councilman Pellman 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

Mayor