

MINUTES OF THE REGULAR MEETING OF CITY COUNCIL

Held on Monday, June 8, 2009

6:30 P.M.

CALL TO ORDER

City Clerk Jocele Fahnstock called the regular meeting of Sidney City Council to order at 6:30 P.M. Monday, June 8, 2009. She advised according to Council's Rules of Procedure, in the absence of the Mayor and Vice-Mayor, Council must, by motion, appoint a Presiding Officer. Councilman Mariano then moved and Council member McMillan seconded a motion to appoint Councilman Miller as Presiding Officer. The roll call vote followed unanimously.

Presiding Officer Miller then 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: Frank Mariano, Katie McMillan, Tom Miller, and Mardie Milligan.

Also attending was: City Manager Steve Stilwell, Law Director Mike Smith, Asst. City Manager-Administrative Services Tom Judy, Police Lt. Dan Kimpel, Fire Chief Stan Crosley, Parks Foreman Jim Heuing, Public Works Director Bill Gosciewski, Community Services Director Barbara Dulworth, Building Inspector Dave Brulport, Human Resource Manager Vickie Allen, Finance Officer Ginger Adams, Assistant Finance Officer Renee DeLaney, and Utility Director Chris Clark.

APPROVAL OF MINUTES

Minutes of the May 26, 2009 Regular Meeting and June 1, 2009 Workshop Meeting of Sidney City Council were presented for approval.

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

PRESENTATION – Certificate of Recognition

Lisa Hayes from the State Auditor's Office was in attendance to present a Certificate of Recognition to the Finance Department for their sound financial accountability. Finance Officer Adams received the award on behalf of the department and pointed out this really is a team effort and all employees of the Finance Department should share in receiving this recognition.

Presiding Officer Miller commented he is very proud of the department.

CITIZEN COMMENTS

David Savolaine, FCC Representative next addressed Council on the upcoming switch to Digital TV programming (June 12), and commented FCC is working to ensure people are aware of resources available for this switch-over.

Rick Sims, 921 E. Parkwood, questioned whether any volunteer groups are available to provide assistance to older citizens to help with this switch-over and Savolaine responded they have contracted with private companies to assist with these installations.

Mark Barga, 544 Culvert, again voiced his disappointment with the City hiring a new Police Chief from outside the department. Barga commented he feels this sends a negative message to current employees that it doesn't benefit them to do a good job and try to advance when the City hires from outside candidates. Barga added he felt the department also wanted this position filled from within; adding he felt the City Manager intended to hire from outside, from the very beginning of this process.

INTRODUCTION OF ORDINANCES

(A-2612) AN ORDINANCE ENACTING SECTION 335.06 OF THE CODIFIED ORDINANCES REGARDING THE DUTY TO DISPLAY AN OPERATOR'S LICENSE

Law Director Smith explained Municipal Court has recently implemented a license intervention program funded through their "Special Projects" court costs. This new program will assist defendants facing a driving under suspension charge, to secure a valid operator's license. Smith explained if the defendant is capable of securing a valid license and pays the requisite fees and charges to the BMV, the Judge will permit the DUS citation be amended to "failure to display a license". At the present time the fine money associated with this citation is being received by the State and this ordinance would permit the court to cite these cases under City Ordinance so the City would receive the fine money.

Councilman Mariano questioned whether this program would require additional personnel and Smith responded the court already has this program in operation; and this ordinance would simply provide a means for the Sidney Police to be able to cite under City ordinances so the fine money would come to the City vs. going to the state.

This will return to Council's June 22, 2009 agenda for further consideration.

(A-2613) AN ORDINANCE AMENDING SECTION 1303.08(a) AND SECTION 1309.11(e) OF THE CODIFIED ORDINANCES AND ENACTING SECTION 1309(b)(4) REGARDING BUILDING CODE

Community Services Director Dulworth explained this ordinance would add several required permits and inspections to the Building Code. She reviewed each of the proposed changes as well as the permit fee structure.

Councilman Mariano questioned what determines the amount of the permit and Dulworth responded it is based on the costs already established for permits and the time each inspection requires.

Councilman Mariano then spoke as a "citizen" and questioned why anyone would need to pay to have someone come out to inspect, or in effect, "do their job".

Fire Chief Crosley commented the last time this matter was reviewed was 2004-2005; noting it is the intention to try to recover 70% of the cost of operating the department, from fees.

Councilman Mariano questioned how this would affect “do-it-yourself” work and Dulworth explained if more than 25% of a wall is removed, then a permit would be needed. She added any electrical work would require a permit.

City Manager Stilwell noted if Council wants to keep income tax down, then other means to pay for services must be identified, similar to user fees.

Council member Milligan commented she has no problem with electrical or gas fees, but does have a problem with the section dealing with removal of 25% of wall space requiring a permit. She added she doesn’t agree with this section and doesn’t support this ordinance.

Building Inspector Brulport explained there is a safety issue in older homes where walls are removed, making the home an unsafe structure as there are no headers for support. He also reviewed how this ordinance would actually reduce some permit fees.

This too will return to Council’s June 22, 2009 agenda for further consideration.

(A-2614) AN ORDINANCE AMENDING SECTIONS 131.13(b), 131.15(a), 131.17(e), 131.393 AND 131.396 OF THE CODIFIED ORDINANCES REGARDING EMPLOYEE BENEFITS

Asst. City Manager-Administrative Services Judy explained this ordinance would amend Chapter 131 of the Codified Ordinances pertaining to personnel policies in order to change the Purchasing Manager from a full-time to a part-time position, as well as other minor changes to the ordinance. He reviewed each of the proposed changes.

Council member McMillan questioned whether any part-time employees are eligible for any benefits and Judy responded the Law Director and Prosecutor are entitled to health insurance.

Mark Barga, 544 Culvert, voiced his concern with changing the ordinances for one employee and Judy noted this would be making changes to one position. Barga also questioned whether this position would be returned to full-time once the present employee retires and Judy responded staff would have to look at the position in the future to determine whether it needs to be full-time or part-time. Judy added this ordinance simply makes a position part-time and the City would consider doing the same to another position, because he feels it is the right thing to do.

This will return to Council’s June 22, 2009 agenda for further consideration.

PUBLIC HEARING AND INTRODUCTION OF ORDINANCE

(A-2615) AN ORDINANCE AMENDING SECTION 1149.02(e) AND SECTION 1149.17 OF THE CODIFIED ORDINANCES REGARDING SIGNS

Presiding Officer Miller opened a public hearing at 7:15 PM and Community Services Director Dulworth explained staff has recently received inquiries concerning the City’s sign code as far as the constitutionality of regulations as related to modification of existing non-conforming signs. She also noted these proposed changes are being reviewed by a law group specializing in sign codes and that report will be presented to the Planning Commission and City Council for review when completed.

The public hearing was closed at 7:20 PM.

Council member Milligan questioned the 12-month stipulation on signs and Dulworth explained the ordinance specifies this time period simply so the sign doesn't become unreasonable. She also added the Zoning Board has the right to grant a variance of time if necessary.

This too will return to Council's June 22, 2009 agenda for further consideration.

RESOLUTIONS

(37-09) A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENT WITH ODOT/CSX REGARDING REMOVAL OF A RAILROAD BRIDGE

Public Works Director Gosciewski explained this resolution would authorize the City Manager to enter into an agreement with CSX Railroad and ODOT regarding removal of a bridge over SR 47 East. He noted this bridge is currently abandoned by the railroad.

Council member McMillan questioned whether CSX has any responsibility to pay for this removal and Public Works Director Gosciewski responded it is the City wanting the bridge down, and no, CSX isn't responsible for sharing this expense. Gosciewski noted ODOT is contributing \$50,000 towards this removal.

Councilman Mariano questioned whether any additional work to the area would be done after the bridge removal and Gosciewski responded some grading would be done and a fence installed so no one could get out on the abandoned tracks.

It was moved by Councilman Mariano, seconded by Council member McMillan to adopt this resolution as presented. The roll call vote was unanimous and Resolution 37-09 was declared adopted.

(38-09) A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO COLLECTIVE BARGAINING AGREEMENT WITH THE FRATERNAL ORDER OF POLICE/OHIO LABOR COUNCIL, INC. ON BEHALF OF NON-SUPERVISORY OFFICERS

Asst. City Manager-Administrative Services Judy explained this resolution would authorize the City Manager to enter into a collective bargaining agreement with the Fraternal Order of Police on behalf of the police patrol officers. He reviewed highlights of the agreement, and noted this agreement would be for three years. Judy pointed out the third year of this agreement the increase would be between 2 – 2.5% depending upon the strength of City income tax collections for the period May 1, 2010 through April 30, 2011.

Council member McMillan questioned how Sidney's wages compare to Piqua and Troy and Judy noted Sidney would still remain a couple of percentages lower than either of these communities.

Council member Milligan then moved and Council member McMillan seconded a motion to adopt this resolution as presented. The roll call vote was unanimous and Resolution 38-09 was declared adopted.

(39-09) A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A COLLECTIVE BARGAINING AGREEMENT WITH THE FRATERNAL ORDER OF POLICE ON BEHALF OF THE SUPERVISORY OFFICERS

Asst. City Manager-Administrative Services Judy explained this resolution would authorize the City Manager to enter into a collective bargaining agreement with the Fraternal Order of Police on behalf of the police supervisory officers. He reviewed highlights of the agreement.

It was moved by Councilman Mariano, seconded by Council member McMillan to adopt this resolution as presented. The roll call vote was unanimous and Resolution 39-09 was declared adopted.

MISCELLANEOUS

Council Comments

Council member McMillan commended and congratulated Asst. City Manager-Administrative Services Judy on the recent collective bargaining; adding she hopes the police department is as happy with the results as City Council is.

Councilman Mariano moved and Council member Milligan seconded a motion to excuse Mayor Barhorst, Vice-Mayor Pellman, and Councilman Hamby from tonight's meeting as they are out of town. The roll call vote followed unanimously.

City Manager Comments

City Manager Stilwell advised Council bids for salt came in at \$65.72/ton this year; compared to \$151/ton last year. He voiced his thanks to Cargill for their assistance with this.

Stilwell also recognized some new faces at the staff table; adding he appreciates their support and thanked them for their help.

EXECUTIVE SESSION

At 7:35 PM Councilman Mariano moved and Council member McMillan seconded a motion to move into Executive Session to discuss Boards and Commissions. The roll call vote followed unanimously.

ADJOURNMENT

At 7:45 PM with nothing further to come before Council, Councilman Mariano moved and Council member McMillan seconded a motion to come out of Executive Session and 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