

MINUTES OF THE REGULAR MEETING OF CITY COUNCIL

Held on Monday, March 9, 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, March 9, 2009, with Mayor Mike Barhorst presiding.

Councilman Miller 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, 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 Steve Wearly, Police Captain Mike Lundy, Fire Chief Stan Crosley, Parks Director Duane Gaier, Public Works Director Bill Gosciwski, Community Services Director Barbara Dulworth, Finance Officer Ginger Adams, Water Supt. Larry Broughton, City Engineer Scott Landon, IT Manager Ken VanHook, and Utility Director Chris Clark.

APPROVAL OF MINUTES

Minutes of the February 23, 2009 Regular meeting, February 25, 2009 Special Meeting, and March 2, 2009 Workshop Meeting of Council were presented for approval.

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

CITIZEN COMMENTS

Rick Sims, 921 E. Parkwood, questioned whether testing for the new water source has been completed and what the timeframe for this project is.

City Manager Stilwell responded the testing is complete but the City has not yet received the final report. He added the timeframe for this project is at the discretion of Council.

Sims commented with the current economy, he reminds Council of the burden the community is under; adding he doesn't feel they can handle the added cost of developing a new water source at this time.

PROCLAMATION – Red Cross Month

Mayor Barhorst read a proclamation declaring March as American Red Cross Month and presented a copy of the proclamation to Red Cross Executive Director Scott Miller. Miller

thanked Council for their support, adding Red Cross has served Sidney and Shelby for over 127 years and will continue to provide services to the community.

INTRODUCTION OF ORDINANCES

(A-2599) AN ORDINANCE AMENDING SECTIONS 917.01 THROUGH 917.07, INCLUSIVE, AND AMENDING SECTION 917.11, AND ENACTING SECTION 917.12 OF THE CODIFIED ORDINANCES REGARDING SOLID WASTE COLLECTION

Asst. City Manager-Administrative Services Judy explained this ordinance would amend Chapter 917 of the Codified Ordinances pertaining to solid waste collection. He reviewed three proposed changes included in this ordinance

- Adjust user rates
- Require biodegradable bags, cans, paper bags or boxes for yard waste
- Prohibit scavenging of recyclable materials from recycling bins

Council member McMillan voiced her concern with prohibiting scavenging of recyclables and suggested deleting this section from the proposed ordinance. She added she feels with the present economy possibly some individuals need this recycling to convert to income.

Councilman Miller voiced his support of these thoughts as well.

Councilman Hamby commented he likes this suggested prohibition as he feels citizen's trash is left in a mess after scavenging.

Councilman Pellman questioned whether the City receives complaint calls because of this scavenging and Judy responded the Utility Department does take some complaint calls on this. He added Allied Waste also receives some of these complaints as well as Sally Wood at the Recycling Center. Judy noted he feels some people feel violated as a result of this scavenging and sometimes this action leaves a mess behind for the customer.

Council member Milligan commented she has mixed feelings about this, adding she feels this scavenging will be hard to enforce. Milligan added she didn't feel the ordinance was complete the way it is presented; adding she didn't think she could support this ordinance in the present form.

Councilman Miller commented he sees this section being one more ordinance on the books we can only enforce occasionally.

Councilman Mariano commented he is in favor of the current language being proposed; adding he feels it will be a tool staff can use to correct a potential problem. Mariano added the City is providing a service to residents who place their trash out for collection, and added this scavenging language would only pertain to residences, leaving other areas where scavenging could be accomplished.

Councilman Hamby questioned who would enforce this language and what the fine would be. Judy responded the fine would be \$100 and the enforcement would be as with any other theft – we would have to catch them in the act.

Law Director Smith explained how this ordinance would be enforced and what responsibility the complaining party would have.

City Manager Stilwell pointed out it is hoped this scavenging language could have a deterrent affect on possible scavengers.

Councilman Hamby questioned whether this issue of scavenging is a result of the economy or simply people trying to make money from the process.

Judy commented he felt a lot of the incentive to scavenge is a result of the value of aluminum as well as a sign of the times.

Rick Sims, 921 E. Parkwood commented he disagrees with the penalty for this scavenging; adding he sat on Council for 13 years and never heard of this problem. He also questioned the requirement of a biodegradable bag and Judy explained the cost savings this would permit. Judy added this change would require some “educating” the public of the advantage.

Council member McMillan then moved and Councilman Miller seconded a motion to delete Section 917.12 from this ordinance. The voice vote was as follows: Barhorst – no, Hamby – no, Mariano – no, McMillan – yes, Miller – yes, Milligan – yes, and Pellman – no. The motion failed with a 4-3 vote.

This will be returned to Council’s March 23, 2009 meeting for further consideration.

RESOLUTIONS

(14-09) A RESOLUTION COMMENDING CHIEF STEVEN B. WEARLY FOR HIS SERVICE TO THE CITY OF SIDNEY

City Manager Stilwell commented this resolution recognizes Police Chief Steve Wearly for his many years of dedicated service to the City of Sidney. He shared Steve will be retiring March 20 after 39 years of dedicated Police service to the community.

Councilman Miller commented he came on Council in 1989 and Steve is the only Police Chief he has known; adding he is so very grateful for the job he has done.

Councilman Mariano commented he has been in Sidney 41 years and is grateful Steve has never arrested him! Mariano added Steve has set the standard for the community and Police Department to be very professional and congratulated him for his efforts.

Councilman Pellman shared the first time he spoke to Chief Wearly was very early in Steve’s work with the City and was grateful Wearly only gave him a warning for the violation at the time!

It was moved by Councilman Mariano, seconded by Councilman Miller to adopt this resolution as presented. The roll call vote was unanimous and Resolution 14-09 was declared adopted.

Mayor Barhorst read the framed resolution and presented it to Chief Wearly, who then received a standing ovation. Chief Wearly shared Sidney is his hometown and growing up he always wanted to be a Police Officer. He added it has been his honor to serve Sidney. Wearly commented the department has been tested over the years and any accomplishments of the department have been through a team effort. He recognized Police Captain Mike Lundy who will very ably guide the department through this transition period. Wearly added Sidney has been a great place to live and work and it has been a pleasure to serve the residents of Sidney.

(15-09) A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENT WITH THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, OHIO, REGARDING RECONSTRUCTION OF WAPAKONETA AVENUE FROM PARKWOOD STREET TO INTERSTATE 75

Public Works Director Gosciewski explained this resolution would authorize an agreement with the Shelby County Commissioners to participate with ODOT for the reconstruction of Wapakoneta Avenue, from I-75 to Parkwood. He noted total reconstruction is estimated at \$3,220,000; with \$220,000 coming from the City, \$2M expected from ODOT, \$800K from Shelby County Commissioners, and \$200K coming from Ohio Public Works Commission. Gosciewski shared the County would fund up to \$75,000 per year for 2009 and 2010 for engineering design, and up to \$650,000 in 2011 for roadway reconstruction.

Council member McMillan questioned whether this project would move forward if these funds don't materialize and Gosciewski responded possibly if ODOT pulled away from the project the project might be in jeopardy, but if this were the case, other funding would be investigated. He added he feels good about receiving this funding and will keep Council advised.

Councilman Mariano then moved and Councilman Pellman seconded a motion to adopt this resolution as presented. The voice vote followed unanimously and Resolution 15-09 was declared adopted.

(16-09) A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH ALLIED WASTE SERVICES OF CELINA REGARDING RESIDENTIAL SOLID WASTE COLLECTION IN THE CITY OF SIDNEY, OHIO

Asst. City Manager-Administrative Services Judy explained this resolution would authorize the City Manager to enter into a contract for collection and disposal of residential solid waste, recyclable materials and yard waste. He shared alternatives that would reduce the overall contract cost, bringing about a 9.3% increase in rates the first year as opposed to 13.6%. Those suggested alternatives are –

- Provide customers with second recycling bin for paper products
- Reduce hours of contractor's customer service representative from eight to four
- Require customers use bio-degradable bags for yard waste

It was moved by Councilman Miller, seconded by Councilman Mariano to adopt this resolution as presented. The voice vote was unanimous and Resolution 16-09 was declared adopted.

(17-09) A RESOLUTION REAPPOINTING JOHN FRANTZ TO THE STORMWATER APPEALS BOARD

City Manager Stilwell explained this resolution would reappoint John Frantz to a new five-year term on the Stormwater Appeals Board. This new term would expire January 28, 2014.

Council member McMillan questioned whether there are any term limits on these boards and City Manager Stilwell responded he is not aware of any but would check and report back to Council.

Council member Milligan moved and Councilman Pellman seconded a motion to adopt this resolution as presented. The voice vote was unanimous and Resolution 17-09 was declared adopted.

(18-09) A RESOLUTION REAPPOINTING ANN ASHER AND JERRY KAUFFMAN TO THE CITY TREE BOARD

City Manager Stilwell explained this resolution would reappoint Ann Asher and Jerry Kauffman to new three-year terms on the Sidney Tree Board. He noted these new terms would expire April 30, 2012.

It was moved by Council member McMillan, seconded by Councilman Miller to adopt this resolution as presented. The voice vote followed unanimously and Resolution 18-09 was declared adopted.

MISCELLANEOUS

Discussion – Pool Rates

Parks Director Gaier shared a power-point presentation with Council comparing Sidney's pool rates with those of surrounding communities; noting it is the department's goal to recover 65-70% of pool operating expenses, with the remainder of operating costs and capital costs subsidized from income tax collections. Gaier reviewed the proposed rate increases, noting with these increases it is estimated the pool will recover 65% of operating costs and still be below the average rate in the area.

Councilman Hamby commented he feels the pool is a great outlet for the community, adding he would support raising adult rates and encourage staff to try to get up to 75-80% recovery of operating costs.

Legislation will be presented at Council's next meeting to make these proposed rates effective.

Discussion – Terry DeVelvis D3 Liquor Permit

City Manager Stilwell advised the City has received a request from Terry DeVelvis, dba Louis McGhees, 111 S. Ohio, for a new D3 liquor license. He noted the Police background check found no known reason to oppose this liquor license request. Council voiced no objection to the license request.

Mayor Barhorst commented DeVelvis has been working on remodeling this building for some time, adding he thinks it will be a nice place when finished.

Discussion – Water Source

City Manager Stilwell apologized for the confusion with tonight's agenda; noting the discussion of a proposed new water source for the community would be presented after all.

Utility Director Clark then gave a review of well field testing concerning a proposed new water source for Sidney. He noted the criteria for this project was to produce 10 MGD as a minimum water supply, and shared the modeling results showing under normal conditions this site could produce 11.3 MGD. Clark also shared various scenarios for pumping, with the lowest being a 10-year, 90 day, with 8.27 MGD produced. The preliminary cost estimate for this project (including estimated inflation) is \$23,000,000. He shared staff recommendations to delay the project until the economy improves, proceed with acquisition options to secure the land or mineral rights, and continue to pursue funding sources.

Clark introduced Water Supt. Larry Broughton and noted Larry was able to save the City approximately \$60,000 by being at the well site when the geologist wasn't available.

Clark also shared some improvements to the present water source that could be saved if this new source is developed.

Councilman Pellman voiced his approval of securing this property at the present time; adding he appreciates the consideration of the present economy and how development at this time would affect the community.

Councilman Hamby agreed the property should be secured at the present time but the development would place an extreme burden on consumers. Hamby added if something isn't done however; it could stymie development for our area.

Councilman Miller added his agreement to securing the property, adding the water quality of the river concerns him.

Councilman Mariano commented he is glad to see an opportunity to back off this project a little at the present time with the economy; adding he feels Council echoes the concerns of Rick Sims earlier tonight.

Utility Director Clark commented he would recommend making this presentation one more time so the public can be present and Council agreed.

Council Comments

Councilman Pellman commented he has talked with some residents who expressed their appreciation with the list of proposed projects Sidney has submitted for the stimulus package.

Mayor Barhorst thanked Larry Broughton for his hard work at the well field through this process, and welcomed the government students in attendance for tonight's meeting.

Mayor Barhorst again thanked Police Chief Wearly for his hard work and dedication to our community, adding it was very much appreciated.

At this point Council sang Happy Birthday to Fire Chief Crosley!

City Manager Comments

City Manager Stilwell announced Finance Officer Ginger Adams has received certification as a Certified Finance Officer and offered his congratulations.

Stilwell also advised Council they would have another opportunity on March 20 to share their thoughts with Police Chief Wearly during an open house planned to commemorate his retirement.

ADJOURNMENT

At 8:15 PM with nothing further to come before Council, Councilman Miller moved and Councilman Mariano 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