

MINUTES OF THE REGULAR MEETING OF CITY COUNCIL

Held on Tuesday, May 26, 2009

6:30 P.M.

POLICE CHIEF CANDIDATE INTERVIEWS

Sidney City Council met at 5:00 PM May 26, 2009, to interview the three finalists for filling the position of Police Chief for the City of Sidney. Local candidates were: Captain Rod Austin and Lieutenant Will Balling, along with Kevin Gessler from West Virginia. The interviews were completed by 6:30 PM.

CALL TO ORDER

The regular meeting of Sidney City Council was called to order at 6:30 P.M. Tuesday, May 26, 2009, with Mayor Mike Barhorst presiding.

Council member McMillan 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, Acting Police Chief Mike Lundy, Deputy Fire Chief Rick Simon, Parks Director Duane Gaier, Public Works Director Bill Gosciwski, Community Services Director Barbara Dulworth, Finance Officer Ginger Adams, and Utility Director Chris Clark.

APPROVAL OF MINUTES

Minutes of the May 11, 2009 Regular Meeting of Sidney City Council were presented for approval.

Councilman Miller 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.

PROCLAMATION – Emerald Ash Borer Awareness Week

Mayor Barhorst read a proclamation declaring the week of May 25, 2009 as Emerald Ash Borer Awareness Week and presented a copy of the proclamation to City Arborist Joyce Reier.

CITIZEN COMMENTS

Robert Livermore, 409 N. Ohio voiced concern with the condition of the depot at the corner of North Street and West Avenue, as well as the City's sidewalk program. Livermore noted he felt enforcement of this sidewalk program was somewhat inconsistent.

City Manager Stilwell commented he would be happy to look at specific sidewalks if Livermore will provide a listing; adding he would share the criteria for sidewalk repair with him as well. Public Works Director Gosciewski will follow-up with Mr. Livermore.

Two Sidney Police Patrolmen spoke out in support of the City filling the present Police Chief vacancy with local candidates. The question was raised whether the results of the assessment center had been made available to Council and whether these results will be considered when making the final selection. They added the candidate scoring the highest in these results is presently in the department and they felt would make a good Chief.

Mayor Barhorst commented he had seen these scores and would support the City Manager in his selection of the next Police Chief.

Mark Barga, 544 Culvert commented he feels the assessment center scores show who the best candidate is for the next Police Chief; adding after the money spent for this selection process, he would hate to see the City not take advantage of its results.

Jim Jones (retired patrolman) 343 Windsor, agreed he felt the appointment should be made from within; adding an inside candidate received the top score from the assessment center.

Jason Viapiano, local resident, also voiced his concern with weeds throughout the community, adding he didn't feel the current program with Code Enforcement was working.

City Manager Stilwell explained the timeline of the current ordinance, adding over 100 letters have already been sent concerning weed violations. He also noted the City' contracted weed cutter has been mowing already. Stilwell will check into this further and report back to Council.

Councilman Hamby thanked those who spoke out in support of the local candidates for the Police Chief vacancy; adding he is a strong advocate to hire from within. Hamby added he was impressed with the process used to fill this vacancy.

ADOPTION OF ORDINANCES

(A-2603) AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$670,000 OF NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS OF THE CITY OF SIDNEY, OHIO, FOR THE PURPOSE OF PAYING THE COST OF TESTING AND MONITORING OF AN IDENTIFIED AQUIFER AS A POSSIBLE NEW WATER SOURCE FOR THE CITY

Finance Officer Adams explained Ordinances A-2603 through A-2607 deal with the issuance of various purpose bond anticipation notes in the amount of \$1,570,000. She noted these new notes are effectively a "roll-over" of the BANs issued in June 2008. Adams commented this consolidation is done to achieve certain cost savings (reduces issuance costs) and a larger issuance typically attracts more bidders to the competitive process. She noted BANs are one-year notes issued in lieu of issuing long-term debt and these notes may be rolled over for up to 20 years. She reviewed each of the notes and the projects they represent.

Finance Officer Adams explained the City recently requested Standard & Poor's (S & P) to rate the City's financial practices and reported we received a rating of SP-1+ to the City's upcoming one-year note issue and a rating of AA on the City's future long-term debt. She added this rating

is significant as based on current market conditions, the upgrade from the previous A2 rating to a AA rating will save approximately \$680,000 in interest over 30 years on the \$5.1 million bonds expected to be issued in 2010.

Councilman Pellman commented the bond rating says a lot for the soundness of the City's financial picture. Councilman Mariano added his "ditto" to this comment.

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-2603 was declared adopted.

(A-2604) AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$670,000 OF NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS OF THE CITY OF SIDNEY, OHIO, FOR THE PURPOSE OF PAYING THE COST OF CONSTRUCTING SANITARY SEWER SYSTEM IMPROVEMENTS

Councilman Mariano moved and Council member McMillan seconded a motion to adopt this ordinance as presented. The roll call vote was unanimous and Ordinance A-2604 was declared adopted.

(A-2605) AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$105,000 OF NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS OF THE CITY OF SIDNEY, OHIO, FOR THE PURPOSE OF PAYING THE COST OF CONSTRUCTING WATER SYSTEM IMPROVEMENTS ALONG KUTHER ROAD

It was moved by Councilman Mariano, seconded by Councilman Pellman to adopt this ordinance as presented. The roll call vote was unanimous and Ordinance A-2605 was declared adopted.

(A-2606) AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$125,000 OF NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS OF THE CITY OF SIDNEY, OHIO, FOR THE PURPOSE OF PAYING THE COST OF CONSTRUCTING SANITARY SEWER SYSTEM IMPROVEMENTS ALONG KUTHER ROAD

Council member McMillan moved and Councilman Mariano seconded a motion to adopt this ordinance as presented. The roll call vote was unanimous and Ordinance A-2606 was declared adopted.

(A-2607) AN ORDINANCE CONSOLIDATING FOUR BOND ANTICIPATION NOTES ISSUES OF THE CITY OF SIDNEY, OHIO

It was moved by Councilman Pellman, seconded by Councilman Miller to adopt this ordinance as presented. The roll call vote was unanimous and Ordinance A-2607 was declared adopted.

(A-2608) AN ORDINANCE MAKING SUPPLEMENTAL APPROPRIATIONS FOR THE YEAR 2009

Finance Officer Adams explained this ordinance would reduce appropriations by \$4,204,552 for the 2009 budget year. She noted this ordinance comes as a result of the contingency planning efforts recently completed by staff. Adams reviewed the most significant items and amounts.

Mayor Barhorst questioned whether we are looking at future budget cuts and Finance Officer Adams responded the City continues to watch these figures and will keep Council advised.

Councilman Mariano moved and Councilman Miller seconded a motion to adopt this ordinance as presented. The roll call vote was unanimous and Ordinance A-2608 was declared adopted.

(A-2609) AN ORDINANCE AMENDING SECTION 911.01(b) AND SECTION 915.05(a) OF THE CODIFIED ORDINANCES PERTAINING TO WATER RATES AND SEWER RATES

Finance Officer Adams explained typically utility rates are adjusted at the beginning of a calendar year; however during the 2009 appropriation budget discussions the decision was made to postpone changing utility rates until the results of the water source testing were known as well as the status of the water source project. Adams noted this ordinance would increase utility rates effective July 1, 2009 by approximately 5% for water and 1% for sewer. She pointed out this 5% water rate adjustment is necessary to continue to accumulate sufficient resources to fund the water source project. Adams advised after these proposed increases, Sidney's combined water and sewer rates will be 5th lowest of 63 locations and 13% less than Troy's and 34% less than Piqua's rates.

It was moved by Council member McMillan, seconded by Councilman Pellman to adopt this ordinance as presented. The roll call vote was unanimous and Ordinance A-2609 was declared adopted.

(A-2610) AN ORDINANCE REZONING PORTIONS OF LOTS 68 AND 69 LOCATED AT THE INTERSECTION OF OHIO AVENUE AND SOUTH STREET FROM A B-1 LOCAL BUSINESS DISTRICT TO A B-5 COURT SQUARE BUSINESS DISTRICT

Community Services Director Dulworth explained this ordinance would rezone several properties on South Ohio Avenue from B-1, Local Business District to B-5 Court Square Business District. She noted property at 232 S. Ohio and 302 S. Ohio would be included in this request.

Council member Milligan questioned whether this would change the nine-block Historic District and Dulworth answered "no".

Mayor Barhorst questioned whether the financial institution across from this property is in agreement with this change and Dulworth answered she had received a letter from them supporting this rezoning.

Councilman Mariano then moved and Council member Milligan seconded a motion to adopt this ordinance as presented. The roll call vote was unanimous and Ordinance A-2610 was declared adopted.

(A-2611) AN ORDINANCE REZONING PARCEL 01-1821-151.003 LOCATED AT 1101 VANDEMARK ROAD FROM AN I-1 LIGHT INDUSTRIAL DISTRICT TO A B-2 COMMUNITY BUSINESS DISTRICT (Adrenaline)

Community Services Director Dulworth explained this ordinance would rezone 3.214 acres of land located on the west side of VanDemark, south of Russell Road, from I-1, Light Industrial District to B-2, Community Business District.

It was moved by Councilman Miller, seconded by Councilman Pellman to adopt this ordinance as presented. The roll call vote was unanimous and Ordinance A-2611 was declared adopted.

RESOLUTIONS

(36-09) A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR, ACCEPT, AND ENTER INTO A WATER SUPPLY REVOLVING LOAN ACCOUNT ON BEHALF OF THE CITY OF SIDNEY FOR THE PLANNING, DESIGN AND/OR CONSTRUCTION OF DRINKING WATER FACILITIES; AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN

Utility Director Clark explained the City has tentatively been awarded \$10,200,000 for water projects funded under the American Recovery and Reinvestment Act. He noted this money is in the form of 40% grants and 60% zero percent interest loans for a 20-year term. He reviewed each of the proposed projects.

Councilman Pellman commented with other communities also receiving these ARRA funds, and questioned whether this could create a flood of bids for projects going out at the same time. Clark noted this is a possibility.

It was moved by Councilman Mariano, seconded by Council member Milligan to adopt this resolution as presented. The roll call vote was as follows: Barhorst – yes, Hamby – no, Mariano – yes, McMillan – yes, Miller – yes, Milligan – yes, and Pellman – yes. Resolution 36-09 was declared adopted by a 6/1 vote.

MISCELLANEOUS

Council Comments

Councilman Mariano commented he appreciates the process used for selection of Sidney's next Police Chief. He added he trusts the information and expertise of each will come through and the City Manager will make a good selection. Mariano added he also appreciated calls he received from the community; noting they strongly urged selection be made from the local candidates.

Mayor Barhorst commented he observed City crews moving leaves today and suggested if people can't get their leaves out for pickup in the fall, then possibly we should require them to pay for collecting them in May.

Mayor Barhorst also commented concerning the sidewalk program, noting many times sidewalks are being raised by tree roots; adding if the City is requiring replacement of sidewalks, then property owners should have the option of removing the trees causing this problem.

Public Works Director Gosciwski commented the Tree Board advises the City which trees must be removed and only if they are dying, diseased, or interrupting services. Gosciwski added the City doesn't remove healthy trees.

City Manager Stilwell noted the Tree Board is in the process of updating the tree ordinance and helping individuals understand what tree is correct for a particular application. This ordinance upgrade will look into these concerns.

City Manager Comments

City Manager Stilwell voiced his celebration of the grand opening of the new public transit facility today; adding it is a wonderful facility and staff is to be commended.

Stilwell also advised the WWII veteran send-off to Washington went well and it is good to celebrate this.

EXECUTIVE SESSION

At 7:35 PM Council member Milligan moved and Councilman Pellman seconded a motion to move into Executive Session to discuss Collective Bargaining. The roll call vote followed unanimously.

ADJOURNMENT

At 8:30 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