

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

Held on Monday, November 9, 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, November 9, 2009. Councilman Burns 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, Mike Burns, 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, City Engineer Scott Landon, Information Technology Manager Ken VanHook, GIS Technician Ginger Gehret, and Utility Director Chris Clark.

### **APPROVAL OF MINUTES**

Minutes of the October 26, 2009 Regular Meeting and November 2, 2009 Workshop Meeting were presented for approval.

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

### **PROMOTION – Fire Department**

Fire Chief Crosley shared with the recent retirement of Lt. Tom Karn, the department is promoting Firefighter Eric Barhorst to the rank of Lieutenant. He shared some background information and accomplishments for Eric and congratulated him on this promotion.

### **PROCLAMATION – Family Month**

Mayor Barhorst read a proclamation establishing November as Family Month in Sidney and presented a copy of the proclamation to Mark Zelnick and Del Cabe of the Church of Jesus Christ of Latter-day Saints. Both thanked Council for this recognition.

### **CITIZEN COMMENTS**

Rick Sims, 921 E. Parkwood questioned the City's procedures concerning junk vehicles; specifically notice being received by the property owner and not the tenant where the vehicle is located. Sims suggested Council take another look at this ordinance.

He also questioned the City's practice of paying the filing fees for Council's annual Financial Disclosure Statements; suggesting Council should be paying this cost instead of the City.

Sims congratulated Council member Milligan on her successful campaign for a new term representing First Ward. He noted his interest in running for this seat had nothing to do with Milligan's service to the community, and he would continue to attend Council meetings whenever possible.

City Manager Stilwell indicated he would check into these concerns and get back with him.

Jerry Doerger, 1690 Wildwood spoke representing Gateway Arts Council concerning a letter received from the City advising they would be receiving no financial support in 2010. He shared a letter from Gateway Arts Council President Chris Gibbs asking Council to revisit the funding request for Gateway.

Councilman Pellman commented he is on the committee of Council to make recommendations for funding to the various organizations, as well as on a committee for Gateway Arts. He indicated the decision not to fund Gateway was based on a greatly reduced amount of lodging tax money to be divided among the requesting groups. Pellman added the decision to fund the groups came down to who could shoulder the "hit" the best. He added he could not recommend taking money away from other groups to give to Gateway.

Council member Milligan commented she knew the committee of Council worked hard to consider all requests received for funding. She added while she didn't want to change the suggested allocations, she would like Council to consider taking some (\$1000) of the contingency funding and allocate it to Gateway Arts.

Mayor Barhorst commented a few years ago when Gateway needed some emergency funding the contingency fund was used to assist them. He voiced concern with using this fund at this time and then possibly not having available funds should another emergency arise. Barhorst added he respects the process the committee used to allocate this lodging tax and he would rather wait and see how Gateway does and possibly give a gift later if needed.

Councilman Mariano commented he is a member of the Council committee making a recommendation for allocation of this lodging money, adding it was a process not taken lightly. He added he feels the process is a good one, noting other groups requesting funding were cut as well. Mariano added the committee looked at who was more dependant on the City for assistance. He added he felt the contingency fund should be held for later if it is needed. Mariano pointed out the committee was working with 43% less funding this year and feels Council should stand behind the recommendations made by the committee which was appointed by Council.

Councilman Pellman commented he would support Council member Milligan's suggestion to take \$1000 from the contingency fund for Gateway Arts.

Mayor Barhorst questioned how Council will deal with the other groups that were cut from funding.

Councilman Mariano commented he appreciates Gateway Arts in the community, but doesn't agree that the public's perception would be bad if they don't receive funding from the City. Mariano added City programs were also reduced in the 2010 budget and this action to cut funding for Gateway is no disrespect to Gateway Arts.

Councilman Burns indicated he could go along with the suggested \$1000 to Gateway and questioned how many of their activities are free to the community. Ellen Keyes shared various programs that are free to all. Burns indicated he could support the \$1000 funding as long as there were free services to the community.

Councilman Miller voiced his acceptance of the information and recommendation from the committee of Council; adding the only way he would support using money from the Contingency Fund for Gateway Arts would be if the committee recommended this to Council.

Councilman Pellman then moved and Council member McMillan seconded a motion to move \$1000 from the Contingency Fund to Gateway Arts Council for their programming needs. The voting was as follows: Barhorst – yes, Burns – yes, Mariano – no, McMillan – yes, Miller – no, Milligan – yes, and Pellman – yes. The motion carried with a 5/2 vote.

## **INTRODUCTION OF ORDINANCES**

(A-2626) AN ORDINANCE AMENDING SECTION 911.04 OF THE CODIFIED ORDINANCES REGARDING PLANT INVESTMENT CONNECTION FEE CHARGES

Utility Director Clark explained the Plant Investment Fee is a program established as an equitable way to pass the capital value of the water system assets to new customers as a "buy-in" charge. He noted the City's present Plant Investment Fee will expire December 31, 2009 and this ordinance would extend this fee, but with reduced amounts for 2010 as the water plant debt has been paid off. He pointed out this fee will provide a basis for future planned expansion and main construction and extensions.

This will be returned to Council's November 23, 2009 agenda for further consideration.

## **RESOLUTIONS**

(66-09) A RESOLUTION DECLARING THE NECESSITY OF CONSTRUCTING AND REPAIRING CERTAIN SIDEWALKS IN THE CITY OF SIDNEY, OHIO, AND REQUIRING THAT ABUTTING PROPERTY OWNERS CONSTRUCT OR REPAIR THE SAME

Public Works Director Gosciwski explained this resolution is the first step required by Council in the 2010 sidewalk program. He reviewed the area scheduled for sidewalk repair or reconstruction in 2010.

Councilman Mariano questioned how long residents are given to make these repairs and Public Works Director Gosciewski noted they are given 90 days.

Mayor Barhorst raised some concerns with the contractor performing the sidewalk work for 2009, adding he feels the City does a disservice to residents if we don't check out the contractors and their quality of work. Gosciewski assured Council the contractors are checked out and the City follows the City's purchasing policy for using any contractor.

It was moved by Councilman Miller, seconded by Councilman Burns to adopt this resolution as presented. The roll call vote was unanimous and Resolution 66-09 was declared adopted.

(67-09) A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION REGARDING THE RESURFACING OF INTERSTATE 75 WITHIN THE CITY OF SIDNEY

Public Works Director Gosciewski explained ODOT has determined I-75 needs to be resurfaced from Miami County near Piqua, to the CSX rail bridge near the northern end of the City limits. This resolution simply gives ODOT authority to work on that portion of I-75 in the corporate limits. Gosciewski noted this project is scheduled for 2014 at an estimated cost of \$17,678,000. He stressed the City has no cost obligation with this project unless we request special features.

Council member McMillan questioned whether Tipp City or Troy had experienced any unforeseen expenses with this same project through their area and Gosciewski agreed this was a good question and he would check into it.

Council member Milligan questioned whether on and off ramps would be included, and City Engineer Landon responded this would be only for the roadway.

Councilman Mariano moved and Councilman Pellman seconded a motion to adopt this resolution as presented. The roll call vote was unanimous and Resolution 67-09 was declared adopted.

## **MISCELLANEOUS**

### **Discussion – GIS Update**

GIS Technician Gehret gave a presentation on the City's Geographic Information System (GIS). She shared the various layers of information available as well as the new information added recently. Gehret pointed out the many advantages available to various City departments for information helpful for their individual activities. She also shared additional information that will be added in an ongoing effort to provide as much information and accessibility as possible.

## **Discussion – 2010 Budget Review**

City Manager Stilwell asked if Council had any additional questions concerning the proposed budget for 2010, adding staff has worked very hard to outline the financial challenges before the City. He noted this will be brought back to Council in legislative form at their November 23, meeting.

Council member Milligan commented she is in awe of the great job done with the budget, adding “everything is right there – great job”.

Councilman Burns thanked staff for completing the budget review in one night, adding “good job”.

Councilman Pellman commented all government finance should work like this.

## **Council Comments**

Mayor Barhorst commented several citizens have asked about a leaf collection schedule and Public Works Director Gosciwski responded we don’t work from a schedule, but are in the process of moving forward with collections. He added the department is down to six individuals and the process is slower because of this reduced number of employees.

## **City Manager Comments**

City Manager Stilwell commented the City is now the proud owner of Camp Brookside. Council was also reminded of the Special Meeting scheduled for 5:30 on December 1, 2009 to swear in the new Council members and select a Mayor and Vice-Mayor for the next two-year period.

## **EXECUTIVE SESSION – Charter Employee Evaluations**

At 7:47 PM, Councilman Mariano moved and Councilman Pellman seconded a motion to adjourn into Executive Session to conduct annual evaluations for the City Manager, Law Director and City Clerk. The roll call vote followed unanimously.

## **ADJOURNMENT**

At 8:43 PM with nothing further to come before Council, Councilman Mariano moved and Councilman Pellman 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 Fahnstock  
City Clerk

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Mayor