

MINUTES OF THE REGULAR MEETING OF CITY COUNCIL

Held on Monday, April 26, 2010

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, April 26, 2010. Mayor Barhorst 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, Mardie Milligan, and Terry Pellman.

Also attending was: City Manager Steve Stilwell, Asst. City Manager-Administrative Services Tom Judy, Law Director Mike Smith, Police Chief Kevin Gessler, Fire Chief Stan Crosley, Parks Director Duane Gaier, Public Works Director Bill Gosciwski, Finance Officer Ginger Adams, City Engineer Scott Landon, Street Supt. Marty Keifer, and Utility Director Chris Clark.

APPROVAL OF MINUTES

Minutes of the April 12, 2010 Regular Meeting of Sidney City Council were presented for approval.

Councilman Burns 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.

PROCLAMATION – Arbor Day, April 30

Mayor Barhorst read a proclamation declaring April 30, 2010 as Arbor Day and presented a copy of the proclamation to Street Supt. Keifer. He thanked Council for this recognition and invited them to attend a tree planting on Friday, April 30 at Central School. He noted the tree was donated by Playtex.

PROCLAMATION – Law Day, May 1

Mayor Barhorst next read a proclamation declaring May 1 as Law Day USA and presented a copy of the proclamation to Attorney Ralph Bauer. On behalf of the Shelby County Bar Association, Bauer thanked Council for the support always shown for the law. Barhorst also thanked the association for their annual efforts in visiting schools in the area to speak to the government classes.

INTRODUCTION OF ORDINANCES

(A-2641) AN ORDINANCE GRANTING TO THE DAYTON POWER AND LIGHT COMPANY, ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC

FRANCHISE IN THE CITY OF SIDNEY, STATE OF OHIO, FOR A PERIOD OF FIVE (5) YEARS, AUTOMATICALLY RENEWING FOR ADDITIONAL PERIODS OF TWO (2) YEARS UNLESS NOTICE IS GIVEN, COMMENCING ON THE EFFECTIVE DATE OF THIS ORDINANCE

Law Director Smith explained this ordinance would grant Dayton Power & Light the right and privilege to supply electricity to the City for the next five years. He pointed out the ordinance does not regulate rates or grant any special exemptions or privileges to DP&L.

Bill Kelly was present representing DP&L and indicated they like to have this ordinance passed by communities as it helps them receive good bond ratings.

This will return to Council's May 10, 2010 agenda for further considerations.

RESOLUTIONS

(19-10) A RESOLUTION APPOINTING JOYCE GOUBEUX DEPUTY CITY CLERK

City Manager Stilwell explained this resolution would appoint Joyce Goubeaux as Deputy City Clerk for those times when the City Clerk is unavailable. He noted appointment of this position is without change in base compensation (overtime or comp time may be earned).

It was then moved by Councilman Pellman, seconded by Council member McMillan to "take this motion from the table (motion at April 12, 2010 meeting)". The voice vote followed unanimously.

Councilman Mariano then moved and Council member McMillan seconded a motion to adopt this resolution as presented. The voice vote was unanimous and Resolution 19-10 was declared adopted.

(21-10) A RESOLUTION ACCEPTING THE CITY'S COMPREHENSIVE PLAN: IMAGINE SIDNEY, 2025

City Manager Stilwell (filling in for Community Services Director Dulworth) explained this resolution would accept the draft comprehensive plan update which was approved by the Planning Commission March 15, 2010. He reviewed the process in preparation of this document; noting the help of a steering committee of seventeen community members as well as the consultant, Jacobs, Edwards, & Kelcey. Copies of the final plan will be available in printed form as well as via the City's website.

Councilman Burns moved and Council member Milligan seconded a motion to adopt this resolution as presented. The roll call vote was unanimous and Resolution 21-10 was declared adopted.

(22-10) A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE OHIO DEPARTMENT

OF TRANSPORTATION REGARDING THE RESURFACING OF STATE
ROUTE 47 EAST WITHIN THE CITY OF SIDNEY

City Engineer Landon explained this legislation is required for ODOT to proceed with this resurfacing work during 2013. He pointed out the state is asking for consent only, with no financial participation from the City.

It was moved by Council member Milligan, seconded by Councilman Mariano to adopt this resolution as presented. The roll call vote was unanimous and Resolution 22-10 was declared adopted.

(23-10) A RESOLUTION AUTHORIZING THE ESTABLISHMENT OF A
BROOKSIDE PARK FUND

Finance Officer Adams explained this resolution would establish a new fund, which would be classified as a capital projects fund. She noted this fund will be supported by contributions and grants specifically restricted for Brookside Park expenditures.

Council member McMillan moved and Councilman Pellman seconded a motion to adopt this resolution as presented. The roll call vote was unanimous and Resolution 23-10 was declared adopted.

(24-10) A RESOLUTION ACCEPTING THE RECOMMENDATIONS DATED
MARCH 24, 2010 FROM THE TAX INCENTIVE REVIEW COUNCIL
REGARDING ENTERPRISE ZONE AGREEMENTS

City Manager Stilwell explained the Ohio Revised Code requires a municipality that grants Enterprise Zone property tax exemptions to create a Tax Incentive Review Council to review all agreements granting exemptions from property taxation. The TIRC must determine whether the exempted property has complied with the individual agreements. Stilwell noted the TIRC met on March 12, 2010 and recommended agreements be continued for the following:

Freshway Foods (Gilardi Realty)
NK Parts
Advanced Composites (2)

ITW (Peerless/Zielsdorf)
Hexa Americas
Emerson Climate Technologies

Councilman Burns then moved and Council member Milligan seconded a motion to adopt this resolution as presented. The voice vote was unanimous and Resolution 24-10 was declared adopted.

(25-10) A RESOLUTION ACCEPTING THE PLAT TITLED "PLAT OF LOTS 7054
AND 7055" (Edelen)

City Manager Stilwell explained this resolution would replat several lots and parcels to create two new lots on the south side of Russell Road, east of the intersection with St. Mary's Avenue. He noted this replat will convey a rear parking area presently used by the dental practice, but owned by the restaurant at this location.

It was then moved by Councilman Mariano, seconded by Council member McMillan to adopt this resolution as presented. The voice vote was unanimous and Resolution 25-10 was declared adopted.

(26-10) A RESOLUTION ACCEPTING THE PLAT TITLED “CITY OF SIDNEY RIGHT-OF-WAY, UTILITY AND RECREATIONAL DEDICATION PLAT” (Westlake Canal Walkway)

City Manager Stilwell explained this resolution would approve a plat for right-of-way, utilities and recreation along the Miami-Erie Canal Feeder. He noted this is Phase 2 of the Canal Feeder Trail that starts at Graceland Cemetery and continues south along the feeder canal tow path.

Council member Milligan then moved and Councilman Mariano seconded a motion to adopt this resolution as presented. The voice vote was unanimous and Resolution 26-10 was declared adopted.

(27-10) A RESOLUTION AUTHORIZING THE CITY MANAGER TO SOLICIT AND ACCEPT BIDS FOR THE REMOVAL OF UNDERGROUND FUEL TANKS

Asst. City Manager-Administrative Services Judy explained this resolution would authorize the City Manager to accept bids for the removal of underground fuel tanks no longer being used at the Service Center.

Council member McMillan questioned whether the tanks are leaking or whether there is a time frame to remove them. Judy responded the tanks must be removed within 12 months.

It was moved by Councilman Pellman, seconded by Council member McMillan to adopt this resolution as presented. The voice vote was unanimous and Resolution 27-10 was declared adopted.

(28-10) A RESOLUTION APPOINTING DOROTHY BAKER AND REAPPOINTING DAVID FLEMING TO THE ZONING BOARD OF APPEALS

City Manager Stilwell explained this resolution would appoint Dottie Baker to fill an unexpired term on the Zoning Board of Appeals, and reappoint David Fleming for a new five-year term. He noted Mr. Fleming has served on this board since 1998.

Councilman Mariano then moved and Councilman Pellman seconded a motion to adopt this resolution as presented. The voice vote was unanimous and Resolution 28-10 was declared adopted.

MISCELLANEOUS

Discussion – Gasamerica Liquor License

City Manager Stilwell explained the City has received a request from Gasamerica, 1501 St. Marys Road for a change in corporate stock ownership of a C1 and C2 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.

Discussion – ARRA Project Update

Utility Directory Clark gave a brief update of the American Recovery and Reinvestment Act Projects underway in Sidney, as well as those projects scheduled to begin in May.

Discussion – Budgetary Amendments

City Manager Stilwell next shared a PowerPoint presentation reviewing income tax revenue, previous General Fund reductions, future efforts to reduce costs, implementation timeline and recommendations for cost savings to be effective no later than July 1, 2010.

Councilman Mariano questioned whether the suggested changes are permanent and City Manager Stilwell commented Council would have the opportunity each year to review budgeted figures and consider changes on a year to year basis.

Councilman Pellman commented he would rather be cautiously optimistic for another year.

Council member Milligan thanked staff; adding they are doing a great job for the City. She added she is happy the City is taking this approach; adding she feels it is very respectful. Milligan agreed to make these proposed cuts and look for a better day.

Councilman Mariano commented he felt staff was looking at the situation very realistically and taking steps to help. Mariano added he supports these suggestions.

Mayor Barhorst commented the City is blessed with a good administrative team; adding the work done to put this report together is not easy. He added hopefully the City will come out on the other side of this struggle.

Council Comments

Council member McMillan expressed her thanks to Street Supt. Keifer for coming out to Cargill to check their trees for the ash bore.

Mayor Barhorst commented he had recently attended two functions related to the City of Sidney once again receiving the designation of Tree City USA, as well as attended the Tree Academy Graduation for Marty Keifer, Joyce Reier and Jerry Kauffman. He remarked during this presentation, they mentioned their gratitude that a member of Council (Pellman) regularly attends their meetings. Pellman commented he feels the Tree Board really puts great effort and care into their work.

Barhorst also thanked staff for their work in submitting a grant application for remediation at the former Wagner Manufacturing site. He expressed special thanks to Bill Gosciewski for his work with this project.

Mayor Barhorst advised he had received several complaints concerning the work Ritter Pipe is doing for Vectren and City Engineer Landon explained the work still to be completed with this project to restore the areas to their original status.

Councilman Mariano moved and Council member Milligan seconded a motion to excuse Councilman Miller from tonight's meeting, due to illness. The voice vote followed unanimously.

City Manager Comments

City Manager Stilwell reminded Council of the upcoming retirement of Purchasing Manager Gary Gerkey and urged them to attend a party on Thursday, April 29 to celebrate this event.

Stilwell also advised the application process has been closed for selection of a new Fire Chief and the review of the 25 resumes received will now begin.

ADJOURNMENT

At 8:12 PM with nothing further to come before Council, Councilman Burns 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 Fahnstock
City Clerk

Mayor