

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

Held on Monday, August 9, 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, August 9, 2010. Council member 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, 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, Acting Fire Chief Rick Simon, Parks Director Duane Gaier, Public Works Director Bill Gosciewski, Community Services Director Barbara Dulworth, Finance Officer Ginger Adams, and Utilities Director Chris Clark. Also in attendance was Finance Intern Amy Weaver.

### **APPROVAL OF MINUTES**

Minutes of the July 26, 2010 Regular Meeting and August 2, 2010 Workshop meeting of Sidney City Council were presented for approval.

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

### **ADOPTION OF ORDINANCES**

(A-2656) AN ORDINANCE AUTHORIZING NOT TO EXCEED \$2,542,000 WATER SYSTEM IMPROVEMENT GENERAL OBLIGATION BONDS, SERIES 2010 (FEDERALLY TAXABLE-RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS)

Finance Officer Ginger Adams explained this ordinance would authorize the issuance of general obligation bonds in an amount not to exceed \$2,542,000, the proceeds of which would be used to acquire the property necessary for the new water source project.

The City will bid these bonds on September 1, 2010; if unsuccessful, the bond financial advisor will negotiate with potential buyers to obtain the lowest interest cost for the City. The deadline established by the State of Ohio is September 30, 2010.

Using the example provided by the bond financial advisor, the savings under this scenario would be approximately \$500,000 over the life of the Recovery Zone bonds. Councilman Mariano inquired about the lack of guarantee for the federal subsidy. Finance Officer G. Adams advised that the bond issuance includes a provision permitting the City to refinance

the bonds in that event. The cost involved in negotiating the bond process again would be \$50,000-\$60,000.

Councilman Miller then moved and Councilman Mariano seconded a motion to adopt this Ordinance as presented. The voice vote was as follows: Barhorst – yes, Burns – yes, Mariano – yes, McMillan – yes, Miller – yes, Milligan – abstain, and Pellman – yes. Ordinance A-2656 was declared adopted by a 6-1 vote.

## **RESOLUTIONS**

### **(48-10) A RESOLUTION APPOINTING GREGG ANDERSON TO AIRPORT ADVISORY BOARD**

City Manager Stilwell explained this resolution would appoint Gregg Anderson to a position on the Airport Advisory Board for a three-year term. His term will expire May 31, 2013.

Councilman Mariano moved and Council member McMillan seconded a motion to adopt this resolution as presented. The voice vote was unanimous and Resolution 48-10 was declared adopted.

### **(49-10) A RESOLUTION REAPPOINTING DAN SHAFFER AND DAVID GROSS TO THE SIDNEY PLANNING COMMISSION**

City Manager Stilwell explained this resolution would reappoint Dan Shaffer and David Gross to the Sidney Planning Commission for new six-year terms. D. Shaffer has served on the Commission since May 2005; D. Gross has served since August, 1992. These new terms will expire October 1, 2016.

It was then moved by Councilman Miller, seconded by Councilman Burns to adopt this resolution as presented. The voice vote was unanimous and Resolution 49-10 was declared adopted.

### **(50-10) A RESOLUTION REAPPOINTING JAMES KERG TO THE COMPENSATION COMMISSION**

City Manager Stilwell explained this resolution will reappoint James Kerg to the Compensation Commission for a new five-year term, expiring October 2, 2015. J. Kerg has served on this commission since June 2000.

Council member Milligan moved and Councilman Pellman seconded to adopt this resolution as presented. The voice vote was unanimous and Resolution 50-10 was declared adopted.

### **(51-10) A RESOLUTION REAPPOINTING KARL BEMUS TO THE PERSONNEL BOARD OF APPEALS**

City Manager Stilwell explained this resolution will reappoint Karl Bemus to a new three-year term on the Personnel Board of Appeals. K. Bemus has served on this board since 1980. His new term will expire December 31, 2013.

Council member McMillan moved, seconded by Councilman Mariano to adopt this resolution as presented. The voice vote was unanimous and Resolution 51-10 was declared adopted.

## **MISCELLANEOUS**

### **Discussion – Updating Chapter 5 of the Codified Ordinances**

Law Director M. Smith proposed changes to Chapter 5 of the Codified Ordinances, including Sections 505.03, 505.09, 505.22, 505.24, 521.06, and 529.09, as well as repealing two Sections, 525.091 and 545.06. A brief explanation and reason for the proposed changes was given to Council for consideration.

The two sections proposed to be repealed (525.091 and 545.06) are both misdemeanors of the first degree and are identical to provisions in the Ohio Revised Code.

Councilman Mariano stated he felt Section 505.11, referring to "...hunt, kill or attempt to kill any animal..." should allow some room for folks to defend themselves in certain situations.

Council member McMillan inquired if a pet store would be exempt with regard to possession and selling of wild or exotic animals. City Manager Stilwell advised that staff would review the proposed text with pet store owners as part of research.

Councilman Pellman asked if residents would be "grandfathered" if they owned such animals prior to these Ordinance changes. Law Director M. Smith explained that "grandfather" is a zoning term and these changes involve criminal matters.

Councilman Miller requested that the list of "farm animals" be comprehensive. Law Director M. Smith indicated that he would confirm the complete list is provided in the Ordinance.

Council member Milligan commented that large animals such as fair exhibits, petting zoos, circus events, etc. should be permitted by the City.

Mayor Barhorst expressed his confidence that the courts should be able to discern between concealed carry and self-defense.

Councilman Burns feels that residents should be allowed to discharge firearms within the city for self-defense.

Councilman Miller cannot support that clause, taking concealed carry too far.

Law Director M. Smith noted Council members' concerns and will bring the revised text back to Council at a future meeting for further discussion.

## **Council Comments**

Council member Milligan noted that she abstained from voting on Ord. A-2656 due to conflict of interest with interest holdings on property that is adjacent to the property where the subject funds will be used.

Mayor Barhorst reported that former Fire Chief Crosley is keeping busy enjoying his retirement and declined invitation to attend this evening's meeting.

## **City Manager Comments**

City Manager Stilwell recognized Finance Intern Amy Weaver who was in attendance this evening. Ms. Weaver is a senior at Ohio Northern and has been invaluable to our Finance Department this summer. Internship required one hundred volunteer hours; she has worked over four hundred hours for the City. Working 8 – 5, she has gained experience in income tax, five year planning, assisting auditors and “anything that was asked of her”. City Council expressed their appreciation and gratitude by applause and wished her well in her studies.

The City staff has compiled a summary of “Who Does What” as a reference tool for Council and City staff. Council members have a copy in their binders.

City Manager Stilwell reported on the status of the Fire Chief selection process. The Civil Service Commission met on August 5, 2010 to certify the top three candidates, Bret Kittle (Sidney Fire Department), Ron Pistera (Ashtabula) and Brad Jones (Kettering). The staff is getting organized for the next phase of the selection process and preparing press releases; he hopes to have someone on board as soon as possible. Rick Simon has done a wonderful job as Acting Fire Chief and has also been very helpful as a member of the selection team.

## **ADJOURNMENT**

At 7:16 PM with nothing further to come before Council, Councilman Miller moved and Councilman Pellman 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,

Joyce Goubeaux  
Acting City Clerk

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Mayor