

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

Held on Monday, January 25, 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, January 25, 2010. Council member Milligan 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, Asst. City Manager-Administrative Services Tom Judy, Law Director Mike Smith, Police Chief Kevin Gessler, Assistant Fire Chief Bret Kittle, Parks Foreman Jim Heuing, Public Works Director Bill Gosciwski, Community Services Director Barbara Dulworth, Finance Officer Ginger Adams, Utility Office Supv. Karen Berning, Street Supt. Marty Keifer, and Utility Director Chris Clark.

### **APPROVAL OF MINUTES**

Minutes of the January 11, 2010 Regular Meeting of Sidney City Council were presented for approval.

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

### **CITIZEN COMMENTS**

Rev. Claudie Johnson, Mt. Zion Church of God, 324 Grove St., questioned how much of the Federal funding coming to the City is earmarked for minority use. City Manager Stilwell responded \$7.3 million the City is receiving from the Federal Government is for the water distribution system. He noted there is a Federal requirement for this funding that 5% of the money must go to minority business enterprises. He advised Mr. Johnson he would send him more information on this funding and the regulations attached.

### **INTRODUCTION OF ORDINANCES**

(A-2635) AN ORDINANCE MAKING SUPPLEMENTAL APPROPRIATIONS FOR THE YEAR 2010

Finance Officer Adams explained this ordinance would authorize supplemental appropriations for various funds for the 2010 budget year. She noted the net effect of these changes would be to decrease 2010 appropriations by \$504,051; noting the majority of these changes are due to multi-year grants the City receives.

This will return to Council's February 8, 2010 agenda for further consideration.

(A-2636) AN ORDINANCE AMENDING SECTIONS 905.01, 905.02, 905.03, 905.05, 905.06, 905.07, 905.08, 905.09, 905.10, 905.11, 905.12 AND ENACTING SECTION 905.13 OF THE CODIFIED ORDINANCES REGARDING TREES

Public Works Director Gosciewski next reviewed some proposed modifications to the City's Tree Ordinance; noting the creation of a Tree Permit (no fee) for clarification when the City may require tree repairs or removals as well as assigning penalties for intentionally damaging City trees.

Councilman Mariano questioned what the follow-up would be on private property if the resident doesn't comply and Gosciewski noted the City would work with the resident to resolve any issue.

Council member Milligan questioned why the City prohibits the planting of cottonwood trees and Street Supt. Keifer responded most communities ban this tree because of its nuisance factor; adding the cottonwood tree grows very fast but is a weak tree and can sustain damage very easily.

This too will return to Council's February 8, 2010 agenda for further consideration.

(A-2637) AN ORDINANCE ASSESSING THE COST OF WEED CUTTING

Finance Officer Adams explained this ordinance would assess certain property owners the cost of weed mowing; noting 38 parcels would be assessed a total of \$3,492.90.

This will return to Council's February 8, 2010 agenda for further consideration.

## **RESOLUTIONS**

(4-10) A RESOLUTION REAPPOINTING PATRICIA MILLER TO THE SHELBY COUNTY REGIONAL PLANNING COMMISSION

City Manager Stilwell explained this resolution would confirm the reappointment of Patricia Miller as the liaison member from the Planning Commission, to a new three-year term on the Shelby County Regional Planning Commission. This new term will expire January 1, 2013.

It was moved by Councilman Mariano, seconded by Councilman Pellman to adopt this resolution as presented. The roll call vote was unanimous and Resolution 4-10 was declared adopted.

(5-10) A RESOLUTION REAPPOINTING KARL BEMUS TO THE CIVIL SERVICE COMMISSION

City Manager Stilwell explained this resolution will reappoint Karl Bemus to a new six-year term on the Civil Service Commission. He noted Mr. Bemus has served on this commission since January, 1974.

Council member McMillan moved and Council member Milligan seconded a motion to adopt this resolution as presented. The roll call vote was unanimous and Resolution 5-10 was declared adopted.

(6-10) A RESOLUTION ACCEPTING THE PLAT TITLED “BARR REPLAT”

Community Services Director Dulworth explained this resolution would approve the replat of three parcels located at 894 and 1222 E. Court Street to create two new lots. She noted the purpose of this replat is to combine the parcels into two lots that accommodate the existing single family dwellings.

A question was raised of what would happen if a future owner of this property wants to develop the larger lot and Dulworth explained the larger lot could be divided for single family uses.

It was moved by Councilman Mariano, seconded by Councilman Pellman to adopt this resolution as presented. The roll call vote was unanimous and Resolution 6-10 was declared adopted.

(7-10) A RESOLUTION AUTHORIZING THE CITY MANAGER TO FILE GRANT APPLICATIONS WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES AND TO OBLIGATE FUNDS TO BE ELIGIBLE (Brookside)

City Manager Stilwell explained this resolution would authorize staff to make application to the State of Ohio, through the Dept. of Natural Resources, for grants from ODNR funds. He noted the proposed development of this area (former Girl Scout Camp) will celebrate and preserve the Girl Scout tradition in Shelby County.

Councilman Miller moved and Councilman Pellman seconded a motion to adopt this resolution as presented. The roll call vote was unanimous and Resolution 7-10 was declared adopted.

(8-10) A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE SHELBY COUNTY PUBLIC DEFENDER COMMISSION

Law Director Smith explained this resolution would authorize the execution of an agreement between the City of Sidney and the Shelby County Public Defender’s Commission to provide legal services for the indigent in Sidney Municipal Court. He pointed out the proposed charge of \$55,000 has been reduced from the 2009 figure (\$60,330).

It was moved by Councilman Mariano, seconded by Council member McMillan to adopt this resolution as presented. The roll call vote was unanimous and Resolution 8-10 was declared adopted.

**MISCELLANEOUS**

**Discussion – Grass and Brush Options**

Asst. City Manager-Administrative Services Judy reviewed some proposed revisions to the City's grass and brush collection program and shared a power-point presentation comparing various options. Judy noted of the communities surveyed, Sidney is the only one not presently charging for this service. He presented three options for Council's consideration with Council agreeing to consider appropriate legislation at their February 8 meeting to proceed with Option #2 –

- Tax-fund fixed cost of Allied's truck route (approximately \$35,000)
- Resident pays per bag charge (\$.90/bag or bundle)

Judy noted this option would reduce the tax subsidy by approximately \$70,000/year, be a moderate cost to users and greatly reduce the subsidy by taxpayers who don't use the service.

### **Council Comments**

Council member McMillan commented following the recent installation of "life line" for her father, a call for service resulted in three firefighters responding. She commended the wonderful service her father received; adding they went above and beyond to care for his needs. McMillan extended her thanks to the department and the "fine young men who responded".

Councilman Mariano moved and Councilman Burns seconded a motion to cancel the February 1, 2010 Workshop meeting of Council and replace it with a work session scheduled for Saturday, February 27, 2010. The roll call vote followed unanimously.

### **City Manager Comments**

City Manager Stilwell commented staff will continue their efforts of getting information out to the residences regarding the mandatory tax filing and urged Council to advise if they know of any group interested in a speaker to share this information.

Stilwell also advised the City is working to renew the franchise with Dayton Power and Light and will keep Council advised.

### **ADJOURNMENT**

At 7:45 PM with nothing further to come before Council, Councilman Mariano moved and Councilman Miller 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

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Mayor