

MINUTES OF THE REGULAR MEETING OF CITY COUNCIL

Held on Monday, July 12, 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, July 12, 2010. Councilman Mariano 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, 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, Deputy Fire Chief Rick Simon, Parks Director Duane Gaier, Public Works Director Bill Gosciewski, Community Services Director Barbara Dulworth, Assistant Finance Officer Renee Dulaney, Human Resources Manager Vickie Allen, Revenue Collections Supervisor Karen Berning, and Utility Director Chris Clark.

APPROVAL OF MINUTES

Minutes of the June 28, 2010 Regular Meeting of Sidney City Council were presented for approval.

Councilman Miller 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-2651) AN ORDINANCE ACCEPTING THE ANNEXATION OF A 32.064 ACRE TRACT IN SECTION 34, PERRY TOWNSHIP, SHELBY COUNTY, OHIO, TO THE CITY OF SIDNEY, OHIO (Brookside)

Community Services Director Dulworth explained this ordinance would annex 32.064 acres of land to the north of SR 29E, west of Knoop-Johnston Road, and east and south of Tawawa Park. She noted the City currently owns this property; and while extension of water and sewer services is not economically feasible at this time, the property will be used as a City Park.

Councilman Mariano moved and Councilman Pellman seconded a motion to adopt this ordinance as presented. The voice vote was unanimous and Ordinance A-2651 was declared adopted.

(A-2652) AN ORDINANCE TO LEVY A SPECIAL ASSESSMENT FOR THE IMPROVEMENT OF STREETS, AVENUES, AND PUBLIC HIGHWAYS IN THE SPECIAL DECORATIVE STREETLIGHT DISTRICT AND IN THE

BALANCE OF THE CITY BY LIGHTING THE SAME WITH ELECTRICITY

Public Works Director Gosciwski explained this ordinance is the final legislative step for assessing the cost of street lighting to the residents of Sidney. He noted staff proposed no changes to the street lighting assessment over the next two years and the rates would remain \$0.31 per front foot for “standard” lighting and \$1.11 per front foot for “decorative” lighting.

It was moved by Council member Milligan, seconded by Councilman Miller to adopt this ordinance as presented. The voice vote was unanimous and Ordinance A-2652 was declared adopted.

INTRODUCTION OF ORDINANCES

(A-2653) AN ORDINANCE ENACTING SECTIONS 339.13 AND 339.14 OF THE CODIFIED ORDINANCES REGARDING MAXIMUM LOADS AND WEIGHTS FOR VEHICLES

Law Director Smith explained this ordinance would prohibit overweight vehicles on public streets within the City. He stressed the regulations are not being changed, and this ordinance simply will allow the Police Department to write citations under the Codified Ordinance section, vs. citing an individual under the Ohio Revised Code. He noted the effect of this change will mean the City will receive the fine money rather than the State.

Councilman Mariano questioned how the determination is made whether a vehicle is overweight and Police Chief Gessler advised the City has the use of a portable scale for this purpose.

Councilman Pellman commented he understands the City issues citations for overweight vehicles because of the wear and tear on streets and Law Director Smith agreed.

Council member Milligan questioned whether the scale is certified regularly and Law Director Smith explained the process used and again stressed this ordinance isn't changing the current practice, but simply making it possible to cite under the City Ordinances.

Council member Milligan also questioned what happens if a vehicle is overloaded and Police Chief Gessler explained factors such as final destination and amount of overload are taken into consideration before making a determination of requiring the load to be reduced.

Mayor Barhorst questioned how much time is involved in getting the portable scale located and Chief Gessler advised he would get additional information back to Council. Gessler also pointed out trucks stopping capabilities are designed for certain load weights, so he sees overweight vehicles as a safety concern. Barhorst also questioned how many overweight tickets have been issued in the past two years and Gessler agreed to provide this information.

This will return to Council's July 26, 2010 agenda for further consideration.

(A-2654) AN ORDINANCE AMENDING SECTION 1313.063 OF THE CODIFIED ORDINANCES REGARDING EXTERIOR PAINTING AND ENACTING SECTIONS 1313.064 AND 1313.065

Community Services Director Dulworth explained this ordinance will simply align the enforcement process with other property maintenance sections of the code, reduce expenditures and provide a more streamlined process. She noted the proposed amendments will establish the City Manager as responsible for determining whether a violation exists for the exterior paint code. Dulworth noted the ordinance also includes a process for property owners to appeal the City's notification.

This too will return to Council's July 26, 2010 agenda for further consideration.

PUBLIC HEARING AND INTRODUCTION OF ORDINANCE

(A-2655) AN ORDINANCE ZONING A 32.064 ACRE TRACT IN SECTION 34, PERRY TOWNSHIP, AS R-1, SINGLE-FAMILY RESIDENCE DISTRICT (Brookside)

Mayor Barhorst opened a Public Hearing at 6:48 PM and Community Services Director Dulworth explained this ordinance would zone the 32.064 acre tract (north of SR 29E, west of Knoop-Johnston Road and east and south of Tawawa Park) being annexed to the City of Sidney as R-1, Single-Family Residence District. She noted this proposed zoning is consistent with the City's comprehensive plan.

The public hearing was closed at 6:50 PM. This will also return to Council's July 26, 2010 agenda for further consideration.

RESOLUTIONS

(42-10) A RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE COLLECTIVE BARGAINING AGREEMENT WITH AFSCME OHIO COUNCIL 8, LOCAL 2429

Asst. City Manager-Administrative Services Judy explained this resolution will authorize the City Manager to enter into a memorandum of understanding with the City's AFSCME employee bargaining unit concerning 2011 wage increases. He noted in return for the bargaining unit agreeing to a modified wage scale, the City would agree to make no layoffs of AFSCME employees through June 30, 2011, unless the 2010 income tax collections decrease by 3% or more.

Judy advised he commends AFSCME unit for their willingness to help solve this current financial problem.

Mayor Barhorst questioned a similar discussion with the Police bargaining units and Judy advised a similar proposal was reviewed by them, but not approved. He stressed he would be happy to set down with their unit again and will keep Council advised.

City Manager Stilwell commented we need to celebrate the AFSCME unit and their willingness to join with the City in working together through some tough financial times. He noted the non-union employees agreed to this same arrangement last year; adding while the Police have declined to approve such an agreement, the City will continue to work with them and keep Council advised.

Mayor Barhorst offered his thanks to AFSCME for this agreement.

Councilman Mariano then moved and Council member Milligan seconded a motion to adopt this resolution as presented. The voice vote was unanimous and Resolution 42-10 was declared adopted.

(43-10) A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE STATE OF OHIO, DEPARTMENT OF NATURAL RESOURCES, TO TRANSFER CANAL LANDS TO THE CITY

City Manager Stilwell explained this resolution would transfer Phase III (12.528 acres) of that portion of the Sidney Feeder Canal development just south of the corporate limits, north of VanDemark Road from the Ohio Department of Natural Resources to the City. Stilwell noted at a later date, the City will annex and zone this property.

Council member Milligan questioned whether this area would be difficult to patrol after annexation and Stilwell noted this would be a continued area of City responsibility; adding most trails are being designed so they can be traveled by most City vehicles. Stilwell stressed this is a continued effort to preserve the canal while providing good access to the Miami River.

It was then moved by Councilman Burns, seconded by Councilman Miller to adopt this resolution as presented. The voice vote was unanimous and Resolution 43-10 was declared adopted.

MISCELLANEOUS

Council Comments

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

City Manager Comments

City Manager Stilwell advised work is nearly complete with Northbrook Mobile Home Park; noting the same contractor will be moving to work in the area of Beck Drive and Port Jefferson Road, installing water lines.

Stilwell also commended Community Services Director Dulworth on her success expanding the Neighborhood Stabilization Program to allow the demolition of two buildings on the north side of North Street, adjacent to the Ross Historical Center. He concluded "Dulworth has done well".

Stilwell also reported on the normal summer projects underway, noting while the work is getting done, staff is somewhat behind as the same amount of work is being conducted by five less employees than previous years.

City Manager Stilwell advised Council, staff is recommending street cut repairs be completed by the contractor making the street cut and thus relieve the City of this responsibility. Council agreed with this suggestion.

Stilwell also advised he has met with Franklin Township and reported they have agreed to pay their share of repaving Hoewisher Road between Wapakoneta and Main Avenue.

Council member Milligan questioned the status of the Wagner building and City Manager Stilwell advised \$185,000 has been earmarked to do a pollution analysis, noting the plan is before the USEPA at the present time waiting for approval.

Public Works Director Gosciewski advised the City hopes to have word from USEPA by the first of August.

ADJOURNMENT

At 7:15 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 Fahnestock
City Clerk

Mayor