

MINUTES OF THE REGULAR MEETING OF CITY COUNCIL

Held on Monday, July 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, July 26, 2010. Council member McMillan 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, Katie McMillan, 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, City Engineer Scott Landon, Community Services Director Barbara Dulworth, Finance Officer Ginger Adams, and Utility Director Chris Clark. *Also in attendance were many co-workers, fellow Clerks from Gahanna, Dublin, Worthington, Wapakoneta and Middletown, retired Clerk from Sidney, and family of City Clerk Fahnestock.*

APPROVAL OF MINUTES

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

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

RESOLUTION

(44-10) A RESOLUTION COMMENDING COUNCIL CLERK M. JOCELE FAHNESTOCK FOR HER SERVICE TO THE CITY OF SIDNEY

Mayor Barhorst read this resolution commending City Clerk Fahnestock for her 25+ years of dedicated service to the City and presented a framed copy of the resolution to her.

Councilman Miller moved and Councilman Mariano seconded a motion to adopt this resolution as presented. Acting City Clerk Goubeaux called the voice vote which was unanimous and Resolution 44-10 was declared adopted, followed by a standing ovation.

City Clerk Fahnestock commented she has enjoyed working with Council and truly has loved her job. She thanked Council for their support and encouragement over the years and for this recognition tonight. Fahnestock also thanked her family and co-workers for their support, and her fellow Clerks in attendance for their support.

ADOPTION 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.

Council member Milligan questioned whether the City regulations would change if the State makes changes to this section and Law Director Smith explained any State changes are automatically included in the City's code when the ordinances are codified by our publisher.

Mayor Barhorst commented he continues to be bothered by the fact the City recently repealed several sections of the code and now would be moving this section back into the code. Barhorst commented he feels the community already feels the City is receiving the fine money from this section. Law Director Smith clarified the ordinances repealed involved jail time and this section does not.

Councilman Mariano then moved and Council member McMillan seconded a motion to adopt this ordinance as presented. The voice vote was as follows: Barhorst – no, Burns – yes, Mariano – yes, McMillan – yes, Miller – yes, Milligan – yes, and Pellman – yes. Ordinance A-2653 was declared adopted by a 6-1 vote.

(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.

It was moved by Councilman Mariano, seconded by Councilman Miller to adopt this ordinance as presented. The voice vote was as follows: Barhorst – yes, Burns – yes, Mariano – yes, McMillan – yes, Miller – yes, Milligan – yes, and Pellman – no. Ordinance A-2654 was declared adopted by a 6-1 vote.

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

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.

Council member McMillan moved and Councilman Burns seconded a motion to adopt this ordinance as presented. The voice vote was unanimous and Ordinance A-2655 was declared adopted.

INTRODUCTION 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 Adams explained this ordinance would authorize the issuance of general obligation bonds in an amount not to exceed \$2,542,000. She noted the proceeds of these bonds would be used to acquire property for the new water source project; with any remaining proceeds used to pay for other water source project costs or water system capital expenditures over the next three years. Adams explained as part of the Federal American Recovery & Reinvestment Act of 2009, Congress made money available for Recovery Zone bonds. Shelby County received the availability of this \$2,542,000 as Recovery Zone bonds.

Councilman Mariano questioned what happens if the bids the City receives are unacceptable and Adams noted if this happens the City would walk away from these Federal funds.

Council member Milligan questioned whether the City will "have a say" in what is an acceptable bid and Adams responded the City will be working with our financial advisor to help make this determination. Adams also noted to pay back these bonds doesn't involve a large rate increase.

Councilman Mariano questioned the time-line on this project and City Manager Stilwell indicated the appraisals are due the end of July and he would like to be able to bring the acquisition of the land back to City Council by the end of the year.

This ordinance will return to Council's August 9, 2010 meeting for further consideration.

RESOLUTIONS

(45-10) A RESOLUTION APPOINTING JOYCE GOUBEAUX ACTING CITY CLERK

City Manager Stilwell explained this resolution would appoint Joyce Goubeaux as Acting City Clerk for a temporary period ending April 1, 2011 to fill the vacancy created by the retirement of City Clerk Jocele Fahnstock. He noted at the end of this five-month period, the combined position will be again reviewed and City finances evaluated to determine if a more permanent arrangement can be put in place at that time.

Council member McMillan then moved and Councilman Pellman seconded a motion to adopt this resolution as presented. The voice vote was unanimous and Resolution 45-10 was declared adopted.

(46-10) A RESOLUTION APPOINTING LORI WERLING DEPUTY CITY CLERK

City Manager Stilwell explained this resolution would appoint Lori Werling as Deputy City Clerk for those times when the City Clerk is unavailable. He noted this position is without change in base compensation, but overtime or comp time may be earned.

It was then moved by Councilman Miller, seconded by Council member Milligan to adopt this resolution as presented. The voice vote was unanimous and Resolution 46-10 was declared adopted.

(47-10) A RESOLUTION TO ADOPT THE SOLID WASTE MANAGEMENT PLAN FOR THE ALLEN-CHAMPAIGN-HARDIN-MADISON-SHELBY-UNION JOINT SOLID WASTE MANAGEMENT DISTRICT

Asst. City Manager-Administrative Services Judy explained this resolution would adopt the amended solid waste management plan prepared by the North Central Ohio Solid Waste District. He reviewed the areas the new plan would cover and noted this updated plan would cover the period from 2010 through 2024. Judy noted this updated Plan would increase the cost by \$1 per customer per year, to dispose of the residential waste; noting this increase would not be a factor until the end of the current solid waste contract in 2015. He explained the proposed "single stream" recycling and Jack Dewitt of the Solid Waste District was present to further explain the program.

It was moved by Councilman Miller, seconded by Councilman Burns to adopt this resolution as presented. The voice vote was unanimous and 47-10 was declared adopted.

MISCELLANEOUS

Discussion – Taylor Building

City Manager Stilwell and Deputy Fire Chief Simon next gave Council a review of the Taylor Building at the northeast corner of Main and Poplar; noting the deteriorating condition of the south brick wall. Simon gave a brief history of the building as well as a review of the documented efforts to correct code violations over the years. It was noted the City acquired the services of a structural engineer through Freytag & Associates, with their report suggesting the wall in question is continuing to move outward, with structural failure at some point likely.

Council member Milligan questioned whether the Historical Society has been contacted concerning the future of this building and Simon indicated the Historical Society has no money available to help with this building.

Councilman Burns questioned whether the City would be liable should the building fall and Law Director Smith commented he feels the condition of the building is a safety issue and the City needs to make sure no one is hurt.

City Manager Stilwell advised the City has talked many times with the property owner (John Desmond) and have documented what the City feels are deficiencies in the building. Stilwell advised the City wants to set up barricades along the south side of the Taylor building, starting tomorrow.

John Desmond addressed Council and shared he is looking for some creative ideas for this building. He also advised there are no additional leaks in the roof at the present time, and feels the City should have a shared interest in preserving this building. Desmond indicated he has a tenant interested in the northwest corner of the building at the present time and advised he doesn't feel the building is in eminent danger.

Council unanimously agreed to block off the south side of the building and have the Fire Department continue to monitor the condition of the building.

Council Comments

Councilman Pellman voiced his thanks to City Clerk Fahnestock for her work and dedication over the years.

Councilman Mariano commented he felt Fahnestock "made him look good" as Mayor and made his job easy for him.

Councilman Miller commented he has a lot of respect for the group who chose to rehire Jocele in 1994, adding he is glad he was a part of that. Miller added "we sure did the right thing to hire her".

Mayor Barhorst voiced his thanks for the OMCA clerks who attended tonight to support Jocele in her retirement; adding he appreciated this. Barhorst added it was good to see former City Clerk Tanyce Lang and her husband (former Law Director) Bill in attendance tonight as well.

Councilman Mariano commented he appreciated Mr. Desmond coming to tonight's meeting; adding he hopes he can find a solution to the problems with the Taylor building.

Council member Milligan commented she appreciated Deputy Fire Chief Simon's presentation tonight and thinking of the safety of the community.

Mayor Barhorst advised Desmond has set up an entity so he can walk away from this building and its problems if necessary.

City Manager Comments

City Manager Stilwell again recognized Jocele for all she has done and wished her well in retirement.

EXECUTIVE SESSION – Negotiations

At 8:45 PM, Councilman Mariano moved and Councilman Burns seconded a motion to adjourn into Executive Session to discuss negotiations. The voice vote followed unanimously.

ADJOURNMENT

At 8:55 PM with nothing further to come before Council, Councilman Miller moved and Council member Milligan 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 Fahnestock
City Clerk

Mayor

Due to her retirement, this is the final set of minutes as recorded by City Clerk Jocene Fahnestock