

MINUTES OF THE REGULAR MEETING OF CITY COUNCIL

Held on Monday, June 14, 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, June 14, 2010, and opened the meeting with a moment of prayer. The Pledge of Allegiance followed.

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, Law Director Mike Smith, Police Chief Kevin Gessler, Deputy Fire Chief Rick Simon, Parks Director Duane Gaier, Public Works Director Bill Gosciewski, Community Services Director Barbara Dulworth, Finance Officer Ginger Adams, Human Resources Manager Vickie Allen, IT Manager Ken VanHook, Municipal Court Administrator Bonnie Gold, and Utility Director Chris Clark.

APPROVAL OF MINUTES

Minutes of the May 24, 2010 Regular Meeting and June 7, 2010 Workshop Meeting of Sidney City Council were presented for approval.

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

CITIZEN COMMENTS

Steve Sproat, 911 Hayes, shared a concern from Salvation Army of someone complaining about the noise of their worship services. He advised the church has no air conditioning; therefore windows are open, carrying their worship celebration outside. Sproat asked for a noise exemption for churches.

City Manager Stilwell advised he has helped churches remain in compliance with the City's noise ordinance in the past, citing a recent request from First Methodist Church to fire off a cannon (request denied). Stilwell indicated his willingness to sit down with local pastors to discuss this concern further.

Mayor Barhorst suggested City Manager Stilwell contact Darke County to check their noise exemption legislation.

Councilman Pellman commented he feels individuals should be more aware of neighborhoods they move into; adding he feels it is traditional on Sundays to expect more noise from a

church than at other times. Pellman cautioned the City to be careful in protecting regulations for churches.

Councilman Mariano commented he supports Mr. Sproat's comments; adding he feels there is a difference between noise and praising God.

Judy Elson, 640 Maxwell, next voiced her concern over what she termed "rude and hateful" comments made to her husband while he was mowing City-owned property next to their home. Mrs. Elson indicated they have maintained this area for 37 years, and do not appreciate such comments. She also shared people are dumping their grass and brush over the nearby bank. Elson also voiced concern with heavy traffic in the area.

City Manager Stilwell indicated he would talk with the Parks Department and report back to Mrs. Elson.

Rev. George Gnade, a representative of the Shelby County Ministerium, commented he understands what Mr. Sproat is saying about noise; adding he feels people should have the right to worship the Lord. Gnade urged the City to give careful thought to this concern.

ADOPTION OF ORDINANCES

(A-2649) AN ORDINANCE EXPRESSING THE CITY'S INTENT TO NEGOTIATE JOINTLY WITH OTHER CITIES IN THE REGION ON ONE PRICE SCHEDULE UNDER WHICH ELECTRIC LIGHT SERVICES SHALL BE FURNISHED TO THE RESIDENTS OF THE CITY FOR THE PURPOSE OF STREET LIGHTING

Public Works Director Gosciewski explained the City's street lighting contract with DP&L will expire on December 31, 2010. He noted the Miami Valley Communications Council is working with area cities to negotiate a street lighting contract for its member cities and affiliate members. This legislation would include the City of Sidney in this regional coalition to negotiate the upcoming street lighting contract.

Councilman Mariano moved and Council member McMillan seconded a motion to adopt this ordinance as presented. The voice vote was unanimous and Ordinance A-2649 was declared adopted.

(A-2650) AN ORDINANCE DETERMINING TO PROCEED WITH THE IMPROVEMENTS OF STREETS, AVENUES, AND PUBLIC HIGHWAYS IN THE CITY OF SIDNEY, BY LIGHTING THE SAME WITH ELECTRICITY

Public Works Director Gosciewski explained this ordinance is the second legislative step for assessing the cost of street lighting to the residents of Sidney. He noted this legislation would leave the assessed footage for standard street lights at \$0.31/lineal foot; and decorative street lighting at \$1.11/lineal foot.

It was moved by Councilman Pellman, seconded by Councilman Burns to adopt this ordinance as presented. The voice vote was unanimous and Ordinance A-2650 was declared adopted.

RESOLUTIONS

(34-10) A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENT WITH THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, OHIO, REGARDING INFORMATION TECHNOLOGY COOPERATION AGREEMENT

City Manager Stilwell recognized IT Manager Ken VanHook in the audience tonight, and explained this resolution would authorize a joint agreement with the Shelby County Commissioners for the City's IT Department to provide assistance to the County on an "as needed basis". He noted this would realize approximately \$25,000 in unexpected revenue to the City's General Fund.

Mayor Barhorst voiced concern this arrangement would run the City's IT staff ragged between both positions and City Manager Stilwell commented staff will have to balance their work load.

Councilman Burns then moved and Council member Milligan seconded a motion to adopt this resolution as presented. The voice vote was unanimous and Resolution 34-10 was declared adopted.

(35-10) A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR WORKER'S COMPENSATION COVERAGE PURSUANT TO R.C. 4123.03

Human Resource Manager Allen explained this resolution would authorize the City Manager to enter into an agreement with Ohio Bureau of Workers' Compensation for medical coverage for inmates of Municipal Court, who are working off their fine or jail sentence.

Council member Milligan questioned the cost of this program and Allen explained the City would be paying the standard rate, with the inmates being figured at a minimum wage rate and the City monitoring the hours worked.

It was moved by Council member McMillan, seconded by Councilman Pellman to adopt this resolution as presented. The voice vote was unanimous and Resolution 35-10 was declared adopted.

(36-10) A RESOLUTION CONFIRMING THE APPOINTMENT OF ERIC KINDIG TO THE AIRPORT ADVISORY COMMITTEE

City Manager Stilwell explained this resolution would confirm the reappointment of Eric Kindig to the Airport Advisory Board. This new term will expire May 31, 2013.

Council member Milligan moved and Councilman Burns seconded a motion to adopt this resolution as presented. The voice vote was unanimous and Resolution 36-10 was declared adopted.

(37-10) A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE AGREEMENT WITH AUDREY WILLIS REGARDING A TRACT OF LAND WEST OF SR 47, EAST OF THE MIAMI RIVER AND NORTH OF MOSQUITO CREEK (Garden area)

City Manager Stilwell explained this resolution would authorize a lease agreement with Audrey Willis to provide a community garden during the 2010 summer, on City owned property adjacent to SR 47, immediately north of Mosquito Creek.

Councilman Pellman thanked City Manager Stilwell and staff for getting this necessary legislation and lease together so quickly; adding his appreciation.

It was moved by Councilman Pellman, seconded by Council member Milligan to adopt this resolution as presented. The voice vote was unanimous and Resolution 37-10 was declared adopted.

PUBLIC HEARING AND RESOLUTION

(38-10) A RESOLUTION AUTHORIZING THE CITY MANAGER TO PURSUE A SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT – FISCAL YEAR 2010 FORMULA ALLOCATION PROGRAM AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A GRANT AGREEMENT

Mayor Barhorst opened the Public Hearing at 7:11 PM and Community Services Director Dulworth explained this is the second public hearing to propose the activities the Community Development Block Grant program will fund for Fiscal Year 2010. She reviewed each of the proposed activities.

The Mayor closed the Public Hearing at 7:16 PM. Councilman Pellman then moved and Councilman Burns seconded a motion to adopt this resolution as presented. The voice vote was unanimous and Resolution 38-10 was declared adopted.

MISCELLANEOUS

Discussion – Liquor License for Louise McGhees, 111 S. Ohio (D5 & D6)

City Manager Stilwell explained the City has received a request from Louise McGhees, 111 S. Ohio Ave., for transfer of a D5 and D6 liquor license from The Pub, 1555 W. Michigan St. He noted the Police background check found no known reason to oppose this liquor license request. Council voiced no objection to the license request.

Council Comments

Councilman Burns led those in attendance in singing Happy Birthday to Mayor Barhorst.

Mayor Barhorst praised staff for their efforts with Resolution 34-10 and the IT agreement with the County. He added he sees this as beneficial to the County as well as all taxpayers.

Mayor Barhorst also asked City Manager Stilwell to do some research now that warmer weather is here, on various pool sizes and the requirements for each. Barhorst also thanked all who helped with the recent concerns with Senate Bill 110; adding our legislators “heard our cries and came to their senses”.

Councilman Pellman next moved and Council member Milligan seconded a motion to excuse Councilman Miller from tonight’s meeting, due to vacation plans. The voice vote followed unanimously.

City Manager Comments

City Manager Stilwell shared on June 10, the City sold \$1,650,000 of General Obligation Bonds at a low 4.01%; noting this was a conversion of notes to long term debt. He also commented the recent rating counsel report from Standard & Poor shows a very flattering report, resulting in the low interest rates when the City does borrow. He noted this is because of the City’s sound financial system.

City Manager Stilwell suggested canceling Council’s regularly scheduled workshop session for July 6, 2010 and Council member McMillan moved, with Councilman Mariano seconding a motion to cancel this July 6 meeting. The voice vote followed unanimously.

Stilwell also commented while the City’s finances continue to improve somewhat, the City continues to deal with financial challenges; adding we continue to be “less bad”.

City Manager Stilwell reported the City has interviewed five candidates for the position of Fire Chief and we will soon be moving into the assessment phase of the hiring process. Stilwell added we have five strong candidates and we are moving forward with the search for a new Fire Chief.

ADJOURNMENT

At 7:27 PM with nothing further to come before Council, Councilman Mariano moved and Council member McMillan 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