

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

Held on Monday, June 28, 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 28, 2010. Councilman Burns 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, 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, Transportation Manager Deb Grogean, Code Enforcement Officer Patricia Hamberg, Revenue Collections Supervisors Susan Lukey and Karen Berning, and Utility Director Chris Clark.

### **APPROVAL OF MINUTES**

Minutes of the June 14, 2010 Regular Meeting of Sidney City Council were presented for approval.

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

### **INTRODUCTION 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.

This will return to Council's July 12, 2010 meeting for further consideration.

(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. Gosciwski noted once this ordinance is adopted, it will be forwarded to the Shelby County Auditor for assessment on future property taxes.

This too will return to Council’s July 12, 2010 meeting for further consideration.

## **RESOLUTIONS**

(39-10) A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR FY 2011 TRANSPORTATION GRANTS, INCLUDING THE OHIO ELDERLY AND DISABLED TRANSIT FARE ASSISTANCE PROGRAM AND THE RURAL TRANSIT OPERATING AND CAPITAL GRANT PROGRAM

Transit Manager Grogean explained this resolution would authorize the City to submit applications to the Ohio Department of Transportation for 2011 funding from the Rural Transit Operating and Capital Grant programs and the Ohio Elderly and Disabled Transit Fare Assistance Grant program. She noted the operating grants provided 63% of the funding for operating costs in 2009, with the remainder coming from fares, contract revenues and subsidies from the City and Shelby County. Grogean noted capital costs are generally 90% grant funded.

Councilman Mariano then moved and Council member McMillan seconded a motion to adopt this resolution as presented. The voice vote was unanimous and Resolution 39-10 was declared adopted.

(40-10) A RESOLUTION ACCEPTING THE PLAT TITLED WAPAKONETA AVENUE RIGHT-OF-WAY DEDICATION PLAT

Community Services Director Dulworth explained the City has submitted a right-of-way dedication plat for 1.115 acres of right-of-way between Wapakoneta Avenue and Dixie Drive. She noted while this area is owned by the City, it has never been dedicated as right-of-way. Dulworth advised this dedication is in connection with the planned widening of Wapakoneta Avenue; with Phase 1 being planned for construction June-November, 2011. This Phase 1 would widen the street from I-75 to just south of the intersection with Parkwood. Phase 2, if funded, would take the widening from Parkwood to Russell Road.

Mayor Barhorst questioned why this area had not been dedicated before and Dulworth responded the issue simply never came up.

Law Director Smith commented this area was an old traction line during the 1920’s and 30’s and more than likely when the Federal government dedicated 25-A, they weren’t concerned with this old traction line.

It was moved by Councilman Mariano, seconded by Council member Milligan to adopt this resolution as presented. The voice vote was unanimous and Resolution 40-10 was declared adopted.

(41-10) A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A DOWNTOWN REHAB LOAN AGREEMENT WITH TERRY DEVELVIS

Community Services Director Dulworth explained this resolution would authorize the City Manager to enter into a \$30,000 Downtown Rehab Loan Agreement with Terry DeVelvis for façade improvements at 111 S. Ohio Avenue. She reviewed the proposed project details; noting an estimated cost of \$60,500.

Councilman Mariano questioned whether the property owner must retain ownership of this property and Dulworth explained if the property is sold within two years, only 40% of the loan is forgiven. She noted this is a 50-50 matching loan in the form of a five-year forgivable loan, at a 0% interest rate.

Councilman Miller moved and Councilman Pellman seconded a motion to adopt this resolution as presented. The voice vote was unanimous and Resolution 41-10 was declared adopted.

## **MISCELLANEOUS**

### **Discussion – Municipal Income Tax Collection Update**

Finance Officer Adams introduced Revenue Collection Supervisors Susan Lukey and Karen Berning; adding over the past year, the entire department has worked extremely hard making various changes to the income tax collection system. She reviewed mandatory filing as well as the amnesty program to ease the transition to this new requirement. She also reviewed the change of disallowing business/rental losses from reducing wage income. Adams noted to date, the department has collected additional taxes of approximately \$110,000, with \$72,000 of this coming from new taxpayers and \$38,000 coming from the amnesty program. She noted she had initially budgeted \$40-\$50 additional expense for these new programs; when actual figures show an additional expense of only \$15,000. Adams stressed the additional revenue figures can only increase as additional returns are filed.

Under the category of disallowing business/rental losses, Adams noted a \$27,873 tax savings to the City to date. She noted the estimated figure for this had been \$65,000 and she is still hopeful of getting closer to this amount.

Adams advised the department is continuing to work processing returns and plan to have these all completed by September 30.

Councilman Mariano questioned whether the initial additional expense figure of \$15,000 for this mandatory filing will likely reduce and Adams assured Council this figure would go down.

City Manager Stilwell commented it is sometimes hard to celebrate tax collecting, adding he feels staff in Revenue Collections has done a nice job in making better use of their present staff in a better organized fashion; adding this program really was a success.

### **Discussion – Amendment of Exterior Paint Ordinance, Section 1313.063**

Community Services Director Dulworth next reviewed proposed changes to Section 1313.063 of the Codified Ordinances concerning exterior paint on buildings and structures. She noted in the past 11 years, Code Enforcement has sent 450 notifications for paint violations, with only 15 of those requesting a hearing. She noted of the 15 requesting a hearing, only three property owners have actually objected to the violation determinations. Dulworth explained the process of establishing a meeting for these hearing requests and then having to cancel the meeting when the objections have been dropped. She noted since 2002, no property owner has appeared at a Citizens Peer Review Committee hearing and the group has not met since 2005. The current Code gives the CPRC authority to determine compliance and these proposed amendments would establish the City Manager or his designee as responsible for determining whether a violation exists for the exterior paint code. Dulworth also noted the proposed amendments include a \$15. filing fee for an appeal to cover cost of copies, postage, printing, envelopes, etc.

While Councilman Pellman voiced his desire to remove the proposed filing fee, Council member McMillan felt the fee should remain. Councilman Mariano agreed to remove the filing fee; noting the fact there are a very limited number of cases. Councilman Miller commented he felt the \$15 fee is reasonable and not prohibitive.

Council member Milligan questioned what percentage of paint violation is necessary to warrant a violation and Dulworth responded the code doesn't specify. Milligan added the \$15 fee doesn't bother her.

Councilman Burns commented he felt the \$15 charge is justified as staff goes through a lot of time and expense if someone appeals a violation notice.

Council agreed (4-2) to leave the \$15 charge in the proposed amendments.

John Eve, 2264 Westminster, commented he felt the \$15 charge is good; adding it may keep some from appealing just for the sake of appealing.

### **City Manager Comments**

City Manager Stilwell celebrated the staff's ability to obtain twelve "lightly used" mobile data terminals from Upper Arlington, at a savings of approximately \$70,000. He noted these will be placed in the City's fire equipment this summer and fall.

Stilwell brought up a concern to Council of "alleys" in the area of Court Street, Miami Avenue, South Street and the Miami River and the fact these "alleys" are not actually dedicated as such. He noted they have been maintained as alleys for many years, but recently brought to his attention because of concern with vehicular speeding in the area. These are actually private property areas that the public has assumed are alleyways. Stilwell then reviewed a variety of ways to correct this situation.

Councilman Miller questioned how many other situations like this exist in Sidney and Community Services Director Dulworth responded there is no way to know. Miller added he felt staff should drop the issue.

Mayor Barhorst commented he felt for the health and safety of the community, this issue needs to be addressed so safety vehicles can have access to these areas. Councilman Pellman agreed with Barhorst.

Councilman Mariano commented he feels staff should pursue this matter and advise the property owners this is their land, and then work to identify a solution.

Councilman Miller commented he does not agree with this; adding he doesn't feel Council should take any action unless this is brought to the City as a problem.

Council member Milligan commented she needs to think about this issue further.

Mayor Barhorst commented he doesn't hear any clear direction from Council; so would suggest staff make no changes at the present time.

Councilman Pellman commented he appreciates the work City Manager Stilwell did to get the Brookside project to its present state. Pellman added he feels this will be a great development.

City Manager Stilwell added this was a community project and Cargill's help was greatly appreciated.

#### **EXECUTIVE SESSION – Boards and Commissions and Negotiations**

At 7:45 PM, Councilman Miller moved and Councilman Burns seconded a motion to adjourn into Executive Session to discuss Boards and Commissions and Negotiations. The voice vote followed unanimously.

#### **ADJOURNMENT**

At 8:20 PM with nothing further to come before Council, Councilman Mariano moved and Council member McMillan 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

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Mayor