

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

Held on Monday, March 22, 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, March 22, 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, 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, Fire Chief Stan Crosley, Parks Director Duane Gaier, Public Works Director Bill Gosciewski, Community Services Director Barbara Dulworth, Finance Officer Ginger Adams, Utility Supv. Dave Wood, City Engineer Scott Landon, and Utility Director Chris Clark.

### **APPROVAL OF MINUTES**

Minutes of the March 8, 2010 Regular Meeting of Sidney City Council were presented for approval.

Councilman Mariano moved, with Councilman Miller seconding a motion to accept the minutes as presented. The roll call vote was unanimous and the minutes were approved.

### **PRESENTATION – Firefighter of the Year**

Fire Chief Crosley presented the 2009 Firefighter of the Year Award to Cory Meyer and explained this is recognition of an individual for outstanding performance. He shared Cory's accomplishments with the department; noting this is an award nominated by their peers and evaluated by a committee on many areas of criteria. Cory thanked his wife and family for their support of his efforts with the Fire Department.

### **PROCLAMATION – Colorectal Cancer Awareness Month**

Mayor Barhorst read a proclamation declaring March as Colorectal Cancer Awareness Month and presented a copy to Dr. David McDonald. Dr. McDonald stressed the importance of early screening and thanked Council for the proclamation.

### **CITIZEN COMMENTS**

Steve Springer, 1906 Burkewood Drive, commented he is a strong advocate of recycling and is concerned with the City's change regarding brush pickup. Springer commented he feels it is short-sighted on the City's part to start charging \$.90 per container of yard waste as he feels

this gives a disincentive to recycle. He asked what he can do to convince the City not to make this change.

Mayor Barhorst explained at the present time roughly one-third of the residents put yard waste out for disposal; while the remaining two-third residents pay for this recycling. Barhorst commented the City feels those who use this service should be the ones paying for it.

Springer questioned whether there is a location residents can take their yard waste for disposal, and questioned whether petitions against this proposal would help. Mayor Barhorst responded petitions won't produce \$100,000 which this change in program would provide.

City Manager Stilwell commented of the many communities surveyed concerning disposal of yard waste, Sidney was the only one providing this service at no charge to the resident. He also noted other communities are charging \$1.75/bag vs. the City's proposed \$.90. Springer noted he would like to see this research and again voiced his concern for another location to dispose of yard waste.

Jake Watkins, of Scout Troop #95 was present for tonight's meeting and commented he is working on his citizenship in the community badge requirements.

Doc Foy of L & S Trucking spoke out concerning the City's ARRA projects and advised there are many people on the list of contractors to be used for these projects, not being called. He also referred to Rev. Johnson's earlier concerns voiced before Council relative to minority businesses and individuals being included in these projects.

City Manager Stilwell indicated he had sent Rev. Johnson a letter earlier outlining the ARRA projects and the 3% designated for minority businesses or contractors. Johnson commented he never received this letter and Stilwell advised he would get him another copy by tomorrow.

Utility Director Clark explained contractors were required to list subcontractors who were Disadvantaged Business Enterprises so they could be included in these projects.

## **ADOPTION OF ORDINANCES**

### **(A-2639) 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 majority of the appropriation is to cover unexpected expenses in connection with winter street maintenance. Adams noted this ordinance would also transfer \$57,000 from Parks & Grounds contractual expenses to Parks & Grounds seasonal labor expense to offset the loss of the prisoner work release program.

It was moved by Councilman Burns, seconded by Council member Milligan to adopt this ordinance as presented. The roll call vote was unanimous and Ordinance A-2639 was declared adopted.

## **INTRODUCTION OF ORDINANCES**

- (A-2640) AN ORDINANCE TO LEVY SPECIAL ASSESSMENTS FOR THE CONSTRUCTION AND REPAIR OF CERTAIN DESCRIBED SIDEWALKS IN THE CITY OF SIDNEY, OHIO

Public Works Director Gosciewski explained this ordinance would eventually assess the actual cost of the 2009 sidewalk construction and repair program. This is for those property owners who had the City contractor complete this sidewalk work. Gosciewski explained the process of advertisement of these costs as well as the two weeks allowed for objections to be noted. No objections were received so this ordinance was introduced and will return to Council's April 12 agenda for further consideration.

## **RESOLUTIONS**

- (18-10) A RESOLUTION AUTHORIZING THE CITY MANAGER TO FILE AN APPLICATION AND TO ENTER INTO AGREEMENT WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES FOR THE PURPOSE OF ACQUIRING FUNDS THROUGH THE DIVISION OF FORESTRY'S URBAN FORESTRY ASSISTANCE PROGRAM

Public Works Director Gosciewski explained this resolution would authorize the City Manager to enter into an agreement with the Ohio Department of Natural Resources to acquire funding to assist with removal of hazardous ash trees along public rights-of-way.

Councilman Mariano voiced concern with the idea of removing healthy ash trees simply because they may become infected in the future, and Gosciewski explained we would be removing trees we know will be affected at some later time.

Mayor Barhorst commented he thought it made sense to start the process of removing these trees now before the need hits and we have to remove all the trees at one time.

Councilman Pellman commented he thinks it is a matter of time before the Emerald Ash Bore disease gets here and feels the financial impact could be significant if something isn't done now.

Council member Milligan questioned what the match would be for this grant and Gosciewski explained it would be a 50/50 match. Milligan voiced concern with taking any funds to match this grant at this time and Gosciewski commented the City can always defer whether we use this grant.

Councilman Mariano commented he would like to know where the disease is at the present time; adding he is concerned with replacing perfectly good trees just because we could have grant funding.

Councilman Pellman then moved and Councilman Miller seconded a motion to adopt this resolution as presented. The roll call vote was as follows: Barhorst – yes, Burns – yes,

Mariano – no, McMillan – yes, Miller – yes, Milligan – yes, and Pellman – yes. Resolution 18-10 was declared adopted by a 6/1 vote.

## **MISCELLANEOUS**

### **Discussion – Street Lighting Options**

Public Works Director Gosciewski advised his department has recently reviewed street lighting rates that are assessed to property owners by the City through property taxes. He noted these rates are typically reviewed every two to three years. Gosciewski reported currently standard street lights are set at \$.31/lineal foot of property frontage; with decorative street lights set at \$1.11/lineal foot. He advised after reviewing existing and anticipated future operational costs, staff is recommending no increase in the assessment rates over the next two years.

Council agreed to consider a Resolution of Necessity to proceed with this rate structure.

### **Discussion – Sewer Backup Policy**

Utility Director Clark introduced Underground Utility Supv. Dave Wood and then reviewed the City's Sewer Backup Policy, as well as some of the causes of sewer backup. Clark noted it has always been the City's practice to assist the property owner with cleaning and sanitizing a basement after a backup event, in order to mitigate the health hazards.

Clark reported between 1970 – 2006, the majority of the 7-8 backups experienced were caused from inflow and infiltration problems, and those from 2007 to the present have mostly been caused by root buildup in the main sewer. He noted cleanups from these backups averages \$1500-\$2000. Clark stressed in order to control costs, standardize practices and prevent future events, a "No-Fault Sewer Backup Reimbursement Policy" needs to be developed.

He suggested the City would reimburse a property owner up to \$500 for cleaning of a basement for health reasons regardless of liability, if the backup occurred in the City's sewer mains, and if the property owner would agree to participate in the Flood Abatement Program (prevention of future events). This Flood Abatement Program would have the City providing up to \$3000 for the removal of foundation drains from sewer laterals and/or installation of a backwater valve.

Council member McMillan commented she would like to see the suggested \$500 raised to \$1000 since past practices show cleanup costs more than \$500. Clark reminded Council the City is not required to pay anything towards cleanup, but choose to do this for health reasons.

Council member Milligan questioned why the backup isn't our responsibility if it is the City's sewer and Law Director Smith advised Miami Valley Risk Management is the City's insurance for such liability.

## **Council Comments**

Council member Milligan questioned whether the City could identify a location for the disposal of yard waste and City Manager Stilwell pointed out if this is done, it simply becomes a place for residents to dump anything.

Councilman Miller commented he doesn't feel residents understand by changing the policy for yard waste collection, the City will save \$70,000.

Councilman Mariano commented he didn't feel we did a good job of explaining this whole matter to Mr. Springer.

Council commented there are still a number of street lights that cycle off and on and questioned what can be done about this. City Manager Stilwell commented he has talked with DP&L to come in and talk about this. Stilwell has also taken a sample light fixture to a contractor for evaluation and has not heard back from them.

## **City Manager Comments**

City Manager Stilwell reminded Council of the retirement luncheon on March 25 for Cemetery Supt. Jim Vondenhuevel and urged them to attend.

Mayor Barhorst commented on the Arson Seminar held at the Fire Department over the weekend and thanked the department for helping keep the community safe.

## **ADJOURNMENT**

At 7:55 PM with nothing further to come before Council, Councilman Miller moved and Councilman Pellman 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