

MINUTES OF THE REGULAR MEETING OF CITY COUNCIL

Held on Monday, May 10, 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, May 10, 2010. Council member Milligan 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 Gosciwski, Community Services Director Barbara Dulworth, Finance Officer Ginger Adams, Police Captain Mike Lundy, Deputy Fire Chief Rick Simon, and Utility Director Chris Clark. The room was filled with many members of the Police and Fire Departments also in attendance.

APPROVAL OF MINUTES

Minutes of the April 26, 2010 Regular Meeting and May 3, 2010 Workshop Meeting of Sidney City Council were presented for approval.

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

RESOLUTION

(29-10) A RESOLUTION COMMENDING CHIEF R. STANLEY CROSLEY FOR HIS SERVICE TO THE CITY OF SIDNEY

Mayor Barhorst read this resolution commending Chief Crosley for his 32 years of dedicated service to the City and presented a framed copy of the resolution to Crosley.

Councilman Miller moved and Councilman Mariano seconded a motion to adopt this resolution as presented. The voice vote was unanimous and Resolution 29-10 was declared adopted. Chief Crosley received a standing ovation.

Chief Crosley responded while the years have gone by quickly, he has enjoyed his 32 years with the City. He noted he has had a great group of people to work with and he appreciated receiving the resolution very much.

PRESENTATION – Distinguished Service Award

Mayor Barhorst next shared a nomination submitted by Deputy Fire Chief Rick Simon, and presented Chief Crosley with the Distinguished Service Award. Barhorst shared many of the outstanding accomplishments Crosley has obtained during his 32 years with the City, and Crosley's wife presented the Distinguished Service Award. Crosley commented he is very humbled by this award. **NOTE:** This award has only been given three other times in the history of the department – 1994 to Assistant Chief David Kreisler, 1996 posthumously to both Chief Henry Yost and Chief George Hume.

PROCLAMATION – Peace Officers Memorial Day & National Police Week

Mayor Barhorst next read a proclamation declaring May 15, 2010 as Peace Officers' Memorial Day and the week of May 10-15, 2010 as National Police Week. He presented a copy of the proclamation to Police Chief Gessler who then thanked Council for this recognition.

PRESENTATION – Police Officer of the Year

Police Chief Gessler explained each May the Sidney Police Department selects an "Officer of the Year" in conjunction with Police Week and announced Sergeant William Shoemaker was selected by his peers to receive this honor for 2010. He also shared past accomplishments of Shoemaker.

PUBLIC HEARING – CDBG

At 6:42 PM, Mayor Barhorst opened a public hearing for the 2010 Community Development Block Grant Small Cities Program and Community Services Director Dulworth explained the various guidelines for this funding as well as various eligible projects. She noted this is the first required public hearing for this 2010 grant. Dulworth pointed out a second public hearing will be held in June to present proposed projects.

The public hearing was closed at 6:46 PM.

ADOPTION OF ORDINANCES

(A-2641) AN ORDINANCE GRANTING TO THE DAYTON POWER AND LIGHT COMPANY, ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC FRANCHISE IN THE CITY OF SIDNEY, STATE OF OHIO, FOR A PERIOD OF FIVE (5) YEARS, AUTOMATICALLY RENEWING FOR ADDITIONAL PERIODS OF TWO (2) YEARS UNLESS NOTICE IS GIVEN, COMMENCING ON THE EFFECTIVE DATE OF THIS ORDINANCE

Law Director Smith explained this ordinance would grant Dayton Power & Light the right and privilege to supply electricity to the City for the next five years. He pointed out the ordinance does not regulate rates or grant any special exemptions or privileges to DP&L, but is simply a way of reaffirming a "business relationship".

Council member Milligan then moved and Councilman Miller seconded a motion to adopt this ordinance as presented. The voice vote was unanimous and Ordinance A-2641 was declared adopted.

PUBLIC HEARING AND INTRODUCTION OF ORDINANCE

(A-2642) AN ORDINANCE ENACTING SECTIONS 1103.181, 1103.451, 1103.572, 1103.1152, 1147.43, AND 1147.44, AND AMENDING SECTIONS 1111.01, 1117.02(b), 1119.02(a), 1121.02, 1123.01, 1125.01, 1127.01 1127.02, AND 1147.41(a) OF THE CODIFIED ORDINANCES RELATING TO ZONING

Mayor Barhorst opened the public hearing at 6:48 PM and Community Services Director Dulworth explained proposed amendments to various chapters of the City's Zoning Code. She noted most of the amendments are the result of interpretations by the Zoning Board of Appeals.

The public hearing was closed at 6:54 PM. This will return to Council's May 24, 2010 agenda for further consideration.

INTRODUCTION OF ORDINANCES

(A-2643) AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$710,000 OF BONDS OF THE CITY OF SIDNEY, OHIO, FOR THE PURPOSE OF PAYING THE COST OF TESTING AND MONITORING OF AN IDENTIFIED AQUIFER AS A POSSIBLE NEW WATER SOURCE FOR THE CITY

Finance Officer Adams explained she would review Ordinances A-2643, through A-2647 as one summary. She advised these ordinances would authorize the issuance of various purpose general obligation bonds in an amount not to exceed \$1,695,000. Adams added these bonds pay off the bond anticipation notes that were re-issued on June 24, 2009. This new bond issue would mature over a 30-year period.

Mike Puckett, 1113 E. Hoewisher, questioned what the anticipated interest rate will be on these bonds and Adams responded depending on the bond market at the time of issue, she is looking for a 4-4.5% rate.

This will return to Council's May 24, 2010 agenda for further consideration.

(A-2644) AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$710,000 OF BONDS OF THE CITY OF SIDNEY, OHIO, FOR THE PURPOSE OF PAYING THE COST OF CONSTRUCTING SANITARY SEWER SYSTEM IMPROVEMENTS

This too will return to Council's May 24, 2010 agenda for further consideration.

(A-2645) AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$125,000 OF BONDS OF THE CITY OF SIDNEY, OHIO, FOR THE PURPOSE OF PAYING THE COST OF CONSTRUCTING WATER SYSTEM IMPROVEMENTS ALONG KUTHER ROAD

This will return to Council's May 24, 2010 agenda for further consideration.

(A-2546) AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$150,000 OF BONDS OF THE CITY OF SIDNEY, OHIO, FOR THE PURPOSE OF PAYING THE COST OF CONSTRUCTING SANITARY SEWER SYSTEM IMPROVEMENTS ALONG KUTHER ROAD

This will also return to Council's May 24, 2010 agenda for further consideration.

(A-2647) AN ORDINANCE CONSOLIDATING FOUR BOND ISSUES OF THE CITY OF SIDNEY, OHIO

This too will return to Council's May 24, 2010 agenda for further consideration.

(A-2648) AN ORDINANCE AMENDING SECTION 925.09 OF THE CODIFIED ORDINANCES REGARDING THE HOURS OF OPERATION IN CITY PARKS

Parks Director Gaier explained this ordinance would give the Sidney Recreation Board the ability to extend the park hours for Custenborder Field, Harmon Field, Flanagan Sports Complex, and Veterans Memorial Walkway within Custenborder Field, on a case-by-case basis through affirmative action for all parks. Gaier noted no complaints have been received due to the extension of these hours in the past few years.

Councilman Mariano commented if adult teams request to use these fields during extended hours, he asked that such requests be returned to Council for consideration. Gaier noted this would only involve youth teams.

This will return to Council's May 24, 2010 agenda for further consideration.

RESOLUTIONS

(30-10) A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A HANGAR LEASE AGREEMENT WITH FRESH UNLIMITED, INC.

City Manager Stilwell explained this resolution would authorize the City Manager to enter into a lease agreement with Fresh Unlimited for use of the Quonset Hangar at the airport. This agreement would permit the tenant (Fresh Unlimited) to renovate the structure at his expense and extend the lease for this hangar. It was noted at the end of this 20-year lease, the hangar and improvements would become property of the City of Sidney.

Councilman Miller commented some of the proposed repairs to this hangar should have been made at the City's expense; adding he feels this is a good compromise for the City.

Councilman Pellman questioned the insurance liability on this hangar and its contents and Law Director Smith indicated the content insurance would be the responsibility of Fresh Unlimited and the City would carry the insurance on the building.

Council member McMillan commented she feels this is a great way to keep the hangar filled and "up to snuff"; adding this is the result of great negotiations.

Council member Milligan questioned the date in the agreement for the first payment (April 15) and Law Director Smith indicated he would check into this.

It was then moved by Councilman Mariano, seconded by Councilman Pellman to adopt this resolution as presented. The voice vote was unanimous and Resolution 30-10 was declared adopted.

MISCELLANEOUS

Council Comments

Councilman Pellman commented he had received complaints concerning the condition of the various ball diamonds and Parks Director Gaier explained because of the reduced workforce, the level of preparation of some fields has suffered.

City Manager Stilwell also added because of this reduced workforce, not as much mowing will be done in the park areas. He added he is very proud of the departments "making due" with reduced revenues.

Council member McMillan congratulated Fire Chief Crosley on his upcoming retirement; adding how much she appreciated the personal attention given by the department when her father needed help recently.

City Manager Comments

City Manager Stilwell suggested using the next scheduled workshop session (June 7) for Council's annual Capital Tour and Council agreed. Councilman Pellman noted he would be out of town this week.

Stilwell also reviewed an updated Capital Improvement Fund schedule noting reduced income tax revenue and new reimbursements from the Capital Improvement Fund to the General Fund for overhead costs.

He also noted a letter received from City Clerk Fahnestock of her upcoming retirement effective July 30. Stilwell added he appreciated the long-term contributions and long-term integrity that the Clerk brings; adding Jocele and Stan are part of what makes the City of Sidney a good place to live and a good place to work. Stilwell added this will be a challenge.

ADJOURNMENT

At 7:20 PM with nothing further to come before Council, Councilman Mariano moved and Councilman Burns 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