

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

Held on Monday, May 24, 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 24, 2010. Councilman Pellman opened the meeting with a moment of silent 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, 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, Deputy Fire Chief Rick Simon, Parks Director Duane Gaier, Community Services Director Barbara Dulworth, Finance Officer Ginger Adams, City Engineer Scott Landon, Street Supt. Marty Keifer, and Utility Director Chris Clark.

### **APPROVAL OF MINUTES**

Minutes of the May 10, 2010 Regular Meeting of Sidney City Council were presented for approval.

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

### **PROCLAMATION – Emerald Ash Borer Awareness Week**

Mayor Barhorst next read a proclamation declaring the week of May 23, 2010 as Emerald Ash Borer Awareness Week and presented a copy of the proclamation to Street Supt. Marty Keifer. Keifer thanked Council for this recognition.

### **ADOPTION OF ORDINANCES**

(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

Community Services Director Dulworth explained this ordinance would make 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.

Mayor Barhorst referred to Section 1103.1152, transitional housing and questioned how the limit of four months was derived. Dulworth responded this was based on the shelters in the region; noting this was considered an appropriate time for such transition.

Barhorst also questioned Section 1121.01 conditional use for a bakery with a size of only 750 sq. ft. Dulworth responded this section is different than industrial type use.

Council member McMillan then moved and Councilman Mariano seconded a motion to adopt this ordinance as presented. The voice vote was unanimous and Ordinance A-2642 was declared adopted.

(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. Adams commented by consolidating these bond issues, the overall issuance costs is reduced as well as attracting additional bidders to the competitive process.

Councilman Miller moved and Councilman Pellman seconded a motion to adopt this ordinance as presented. The voice vote was unanimous and Ordinance A-2643 was declared adopted.

(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

Councilman Burns then moved and Councilman Pellman seconded a motion to adopt this ordinance as presented. The voice vote was unanimous and Ordinance A-2644 was declared adopted.

(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

It was moved by Councilman Mariano, seconded by Council member McMillan to adopt this ordinance as presented. The voice vote was unanimous and Ordinance A-2645 was declared adopted.

(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

Councilman Burns moved and Council member McMillan seconded a motion to adopt this ordinance as presented. The voice vote was unanimous and Ordinance A-2646 was declared adopted.

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

It was moved by Councilman Mariano, seconded by Councilman Miller to adopt this ordinance as presented. The voice vote was again unanimous and Ordinance A-2647 was declared adopted.

(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 moved and Council member McMillan seconded a motion to adopt this ordinance as presented. The voice vote was unanimous and Ordinance A-2648 was declared adopted.

## **INTRODUCTION 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

City Manager Stilwell explained Public Works Director Gosciewski was not in attendance tonight to present this legislation as his daughter is giving birth to his first grandchild. He then explained the City's street lighting contract with DP&E 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.

This will return to Council's June 14, 2010 meeting for further consideration.

(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

City Engineer Landon 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.

This too will return to Council's June 14, 2010 meeting for further consideration.

**RESOLUTIONS**

(31-10) A RESOLUTION REAPPOINTING DAVID GROSS TO THE DOWNTOWN DESIGN REVIEW BOARD

City Manager Stilwell explained this resolution would reappoint David Gross to a new three-year term on the Downtown Design Review Board. He noted this new term would expire May 1, 2013. Mr. Gross has served on this board since its inception in May, 1997.

Councilman Pellman moved and Councilman Miller seconded a motion to adopt this resolution as presented. The voice vote was unanimous and Resolution 31-10 was declared adopted.

(32-10) A RESOLUTION REAPPOINTING DOUG MILLHOFF AND TOM BURNS TO THE REVOLVING LOAN FUND COMMITTEE

City Manager Stilwell noted this resolution would reappoint Doug Millhoff and Tom Burns to new three-year terms on the Revolving Loan Screening Committee. He noted these new terms would expire July 1, 2013. Doug has served on this committee since 1985; and Tom has served, since 1997.

It was then moved by Councilman Mariano, seconded by Council member McMillan to adopt this resolution as presented. The voice vote was unanimous and Resolution 32-10 was declared adopted.

(33-10) A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENT WITH ROBERT AND DORA MCFARLAN REGARDING SANITARY SEWER AND WATER SERVICES CONTRACT (1811 Riverside Drive)

Mayor Barhorst advised this resolution has been withdrawn from tonight's agenda at the request of the petitioner.

**MISCELLANEOUS**

### **Discussion – Liquor License Transfer for Smok n Jos (D1 and D2)**

City Manager Stilwell explained the City has received a request from Smok n Jos, 1951 W. Michigan St. for transfer of a D1 and D2 liquor license from Laurens in Good Taste, 113 N. Ohio Ave. He noted the Police background check found no known reason to oppose this liquor license request. Council voiced no objection to the license request.

### **Discussion – Brownfield Assessment Draft Work Plan**

City Engineer Landon explained the City has been selected to receive a Brownfield Assessment Grant for \$185,000 to identify possible contamination at the old Wagner Manufacturing facility. He noted this grant will become a great start to assessment, clean-up and redevelopment of this abandoned facility and will improve neighborhood aesthetics.

Councilman Miller questioned where the property owner fits into this and City Manager Stilwell advised the owner is aware of this grant application and has given permission to enter onto the property. Stilwell noted after this Phase 1 and 2 is completed, additional funds could be available for future demolition.

Council member McMillan questioned how safe the building is and Stilwell noted the fire suppression system has been disconnected and the building closed up. He advised parts of the structure are collapsing; adding it will be good to get the environmental work done before the building falls. Council will be kept advised.

### **Council Comments**

Councilman Pellman advised he has been asked why it is more difficult to open a business in Sidney that other communities, stating required permits and fees as the reason. City Manager Stilwell responded all communities have zoning regulations and permits that must be met.

Mayor Barhorst commented on Toone P. Wiggins coming to Sidney and their comments of great cooperation from Sidney, compared to Piqua. It was noted the cost of doing business is better in Sidney than in other communities too.

Mayor Barhorst also commented he had received a call concerning graffiti and questioned whether it would be possible to pass legislation on graffiti, similar to the present legislation on weeds.

Councilman Mariano moved and Councilman Pellman seconded a motion to excuse Council member Milligan from tonight's meeting as she is out of town attending her daughter's graduation. The voice vote followed unanimously.

### **City Manager Comments**

City Manager Stilwell gave Council an update on grass and weeds and reminded them effective June 1, the part-time Code Enforcement employee would be gone as a result of budget cuts.

Stilwell also gave Council an update on Senate Bill 110 (passed unanimously by the Senate) which is designed to enhance the use of central collection and treatment facility for sewage. He noted there is a section in the bill that suggests cities will be required, if ordered by the Health Department, to extend sewage facilities to properties outside the corporate limits, without the benefit of annexation. This would allow townships to enjoy City services without paying the cost of services. The City will continue to watch this bill as it goes on to the House. He noted the House is holding a hearing on Wednesday and Council agreed to strongly oppose this proposed legislation.

City Manager Stilwell also advised he had received a request to have a community garden on City property across from Flanagan Sports Complex. He noted normally such use of City property must be done through the bidding process.

Councilman Mariano questioned whether the City would be responsibly for any liability and Law Director Smith commented as policy, this is not a good proposal.

Councilman Mariano and Council member McMillan voiced their opposition to this request and Councilman Pellman said he would not object to the proposal. Mayor Barhorst commented he was ok with trying this idea once to see how it works out. Councilman Miller commented he doesn't have a problem with this suggestion and sees it as a way of doing something good for the citizens of Sidney. Councilman Burns also commented he had no problem with this idea. With an unofficial vote of 4-2, Council agreed to pursue this suggestion. City Manager Stilwell noted necessary legislation will appear on Council's June 14 agenda concerning this request. Stilwell also suggested the interested party obtain support of a non-profit organization to back this request.

City Manager Stilwell also commented on Deputy Fire Chief Rick Simon taking over leadership of the Fire Department since Stan Crosley's retirement; adding Simon will be as solid a contributor to the City as Crosley was.

## **ADJOURNMENT**

At 7:47 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 Fahnstock  
City Clerk

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Mayor