

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

Held on Monday, October 11, 2010

6:30 P.M.

*Note: Ohio Electronic Records Commission gave a presentation to City Council regarding the rules and regulations for records retention, specifically electronic records. Presenters were: Pari Swift of the Ohio ERC and Stephen French, Clerk of Council for Moraine, Ohio. An earlier presentation was given to City staff and County officials at 4:00 p.m. in the Police Training Room.*

### **CALL TO ORDER**

Mayor Barhorst called the Regular Meeting of Sidney City Council to order at 7:15 P.M. Monday, October 11, 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, Acting Fire Chief Rick Simon, Parks Director Duane Gaier, Public Works Director Bill Gosciewski, Community Services Director Barbara Dulworth, Finance Officer Ginger Adams, and Utilities Director Chris Clark. Also in attendance was IT Manager Ken Van Hook, , IT Network Specialist Joel Glass, IT Support Specialist Krista Sanders and Assistant Finance Officer Renee Dulaney.

### **APPROVAL OF MINUTES**

Minutes of the September 27, 2010 Regular Meeting and October 4, 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.

### **PUBLIC HEARING AND INTRODUCTION OF ORDINANCE**

#### **A-2660 AN ORDINANCE AMENDING SECTION 1149.13(b)(1) OF THE CODIFIED ORDINANCES REGARDING REGULATIONS IN THE ZONING CODE OF SIGNS**

Mayor Barhorst opened the Public Hearing at 7:21 p.m.

Community Services Director Barbara Dulworth explained to Council the need to amend Section 1149.13(b)(1) regarding gas canopy signage. The applicable section currently reads “one square foot per lot frontage”. The result is that gas station canopies would be permitted no more than one square foot of signage, or two square feet if the property is a corner lot, resulting in a sign area that is unreadable from the street for the average motorist.

The proposed amendment would tie the sign size to the canopy size. Section 1149.13(b)(1) would be changed to read “The total attached sign area shall not exceed one square foot per lineal foot of canopy frontage”. Planning Commission reviewed the proposed amendment at their September 20, 2010 meeting and recommended approval by City Council.

Council member McMillan inquired about signage for the past ten years. CSD Dulworth responded that the new regulation should not place most properties into non-compliance; she is not aware of any problems at this time.

Public Hearing was closed 7:25 p.m.

This matter will return to the October 25, 2010 Council meeting for further consideration.

## **MISCELLANEOUS**

### **Discussion – USEPA Brownfield Project Update**

Public Works Director Bill Gosciwski reviewed with Council the progress being made with the EPA regarding the former Wagner Manufacturing/Master Vision Polishing facility. A detailed work plan and cooperative agreement with the USEPA has been established. A selection committee, comprised of CM Stilwell, Purchasing Manager J. Wagner, CSD Dulworth and PWD Gosciwski, will be making a selection of the environmental consultant and awarding the contract.

During a detailed PowerPoint presentation to Council, PWD Gosciwski explained current activity at the building, including fire in the office area, roof collapsing and break-ins. City staff continues to monitor the site in an attempt to keep it secured against vandalism. The environmental site assessment will include checking soils, drums, drilling inside and outside, and sending the results to a lab for analysis.

Councilman Miller expressed concerns about Phase I once activity starts. PWD Gosciwski noted that the City staff will be meeting with the neighbors (at the nearby Apostolic Church) making them aware of the planned activities and keeping them informed.

Councilman Mariano inquired if the City has to take ownership of the property. A “Right of Entry” was obtained in order to conduct the necessary testing; the City does not plan to take ownership at this time. At this point, only grant funds are being used for the assessment; no taxpayer’s dollars are being spent. If contamination is confirmed, no further grant funds will be available until the site is cleaned up. Mayor Barhorst commented that, depending on what is found, we might be forced to own it. We need to establish a policy to deal with old buildings and the process whereby the City ends up acquiring the property.

Councilman Pellman concurred with Councilman Mariano and Mayor Barhorst.

Council member Milligan noted that each building should be considered on a case-by-case situation. She feels that if there is a risk to the community, we need to protect the citizens. Mayor Barhorst added to that statement that we also need to protect our departments (i.e. firefighters).

CM Stilwell commented that, while not fair, Councilman Mariano's point is valid. Without a quantification of the risk, no one will move forward. The City staff is currently working with the Historical Society to establish a policy for future structures. "Policy" doesn't always solve a problem. If the City does not invest any dollars, there is no chance for State funds/grants.

City staff will keep Council up to date on the progress on this facility.

### **Discussion – Liquor License Request (Louise McGhees – 111 S. Ohio)**

City Manager Stilwell reviewed with Council the liquor license request submitted by Terry DeVelvis, doing business as Louise McGhees at 111 S. Ohio. The request is for a D1 and D2 liquor license. The background report from the Police Department indicated that there is no known reason to oppose the liquor license request. By their silence, Council agreed to the approval. Acting City Clerk will process the request to the Department of Liquor Control as required.

### **Council Comments**

Councilman Miller inquired about the start of leaf pick. Utilities Director Clark responded that the pick up begins the last week of October, with the first round of the City to be completed by Thanksgiving, weather permitting.

Acting City Clerk reported on her recent attendance at the Ohio Municipal Clerk's Institute at Kent State. She attended many interesting classes concerning issues for large and small cities, as well as villages and townships. The program was very valuable, providing insight to new resources and best practices. Councilman Miller expressed his appreciation for the Clerk taking the initiative to participate in the CMC program.

Mayor Barhorst invited Council members to attend the upcoming Corn Hole Tournament sponsored by the City and to be held at Parks Director Duane Gaier's home. Proceeds go to the 2010 United Way Campaign.

The feeder canal walkway is open and Mayor Barhorst encourages everyone to take their camera and enjoy the scenery. It is a great addition to the City park system.

Congratulations to CM Stilwell for hiring the new Fire Chief. CM Stilwell will expound on that process and decision. Council members are invited to the swearing in ceremony on Monday, November 8, 2010 at 8:00 a.m. at Fire Station 1.

Council member McMillan inquired as to the sequencing of traffic lights going through town (SR 29 and downtown). Specifically, what speed does a driver need to travel to go through town without stopping? PWD Gosciewski will compile the data and get with City Manager.

### **Manager Comments**

City Manager Stilwell announced that Bradley Jones has accepted the position of Sidney Fire Chief. He feels that B. Jones will be a good fit and will do a nice job. Deputy Fire Chief Simon has done a great job. Councilman Miller commented that he was fortunate to serve in the process and feels it was a terrific process, involving a lot of work by a lot of people. Mayor Barhorst thanked Councilman Miller for his service on the selection committee.

CM Stilwell reminded Council of the upcoming Rodeo's: October 16<sup>th</sup> at 9:00 a.m. Shelby Public Transit will conduct its first annual training/competition at the Transit Facility. The Annual Snow Plow Roadeo is scheduled for October 20<sup>th</sup> at 11:00 a.m. at Custenborder Field.

City Manager expressed appreciation for the hard efforts of Parks Director Duane Gaier in obtaining funds of approximately \$10,000-\$12,000 for ball field improvements at Custenborder Field (Legion Diamond). The sponsors include: Emerson Climate Technology, \$7,500; Hemmelgarn Services, \$1,000; Sidney Auto Tech, \$1,000; Sidney Body Carstar, \$500; plus another \$2,500 requested from a variety of private enterprises. Work will begin this fall and be ready for ball in spring 2011.

### **ADJOURNMENT**

At 7:56 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,

Joyce Goubeaux  
Acting City Clerk

---

Mayor