

MINUTES OF THE REGULAR MEETING OF CITY COUNCIL

Held on Monday, September 13, 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, September 13, 2010. Councilman Pellman 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, 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 Gosciwski, Community Services Director Barbara Dulworth, Finance Officer Ginger Adams, and Utilities Director Chris Clark. Also in attendance was Firefighter Michael Terrian.

APPROVAL OF MINUTES

Minutes of the August 23, 2010 Regular Meeting and September 7, 2010 Workshop meeting of Sidney City Council were presented for approval.

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

INTRODUCTION OF NEW FIREFIGHTER

Acting Fire Chief Rick Simon introduced the City's new firefighter, Michael Terrian. M. Terrian began serving with the Department on August 23, 2010, has completed forty hours of orientation, and is assigned to the A Crew, under Assistant Fire Chief Scott Boyer. Council members welcomed the new firefighter with applause.

ADOPTION OF ORDINANCES

A-2657 AN ORDINANCE AMENDING SECTIONS 921.01(a), 921.02(e), 921.04, 921.05, 921.07, 921.08(a)(d)(e)(f), AND 921.12(d) OF THE CODIFIED ORDINANCES REGARDING GRACELAND CEMETERY

Parks Director Duane Gaier reviewed the proposed updates for Section 921 regarding Graceland Cemetery. These amendments will improve the operations, reducing the staff from two full time employees to one full time augmented by part-time summer help and employees from the Parks, Underground and Street Departments. It will further clarify that the cemetery

office is not the depository of revenue for services but rather “all fees or charges... shall be paid at the Revenue Collection Office...”

Councilman Miller moved, seconded by Councilman Pellman, to adopt Ordinance A-2657 as presented. Motion passed unanimously.

INTRODUCTION OF ORDINANCES

A-2658 AN ORDINANCE MAKING SUPPLEMENTAL APPROPRIATIONS FOR THE YEAR 2010.

Finance Officer G. Adams presented a brief summary of the \$294,044 supplemental appropriations requested for the 2010 budget year. The General Fund (\$4,139) includes funds for the DARE program and the Police Departments “Safety Town programs.

Funds in the amount of \$101,000 were awarded to the City from the CDBG Formula grant. \$9,205 will be used in 2010; remainder will be included in the 2011 budget.

Expenditures in the Capital Improvement Fund (\$238,300) and Sewer Improvement Fund (\$42,400) were explained to Council.

Council member McMillan inquired about the allocation of the MDT’s; Police Chief Gessler and Acting Fire Chief Simon indicated that all twelve units are accounted for and being put to use by City departments.

Councilman Miller commented that the Fire Safety Trailer could possibly be used by another agency. Acting Fire Chief Simon reported that it has been offered; no takers. Options for disposal of the twelve year old unit would include selling it on govdeals.com.

Ordinance A-2658 will return to Council for further consideration at the September 27, 2010 meeting.

A-2659 Amendments to General Offenses Code

Law Director Michael Smith presented Council with an overview of the proposed changes to the General Offenses Code. Sections 505.03, 505.09, 505.11 and 505.14 will be amended to clarify definitions and penalties.

Section 505.15 pertains to prohibitions for “wild animals’ or “exotic animals” within the City. An event such as the petting zoo at Applefest would be permitted under the City’s Special Event permit process.

Section 521.06 deals with the maintenance requirements and liability for landowners to keep sidewalks, curbs, and gutters free of snow, ice and nuisance.

This Ordinance will repeal two sections of the Code (Section 515.091 and 545.06); both of which have companion sections in the Ohio Revised Code.

If adopted, this Ordinance would give Council authority to grant exceptions to Section 519.09 for alcohol on public property for community festivals, etc.

Ordinance A-2659 will return to Council for further consideration at the September 27, 2010 meeting.

RESOLUTION

52-10 RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION, AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.

Finance Officer G. Adams presented the County Budget Commission's estimates of the City's share of the property tax levy inside the 10-mill limitation.

Councilman Mariano moved, and Council member McMillan seconded, to adopt Resolution 52-10. Motion passed unanimously by voice vote.

53-10 RESOLUTION AUTHORIZING THE CITY TO ENTER INTO AN EASEMENT AGREEMENT WITH CITY RESIDENTS FOR MAINTENANCE OF STARRETT RUN DRAINAGE.

Public Works Director Bill Gosciwski gave Council the background of Starrett Run and the need to obtain a drainage easement on the south side of Water Street. The utility easement and right-of-way would allow the constructing and maintaining of Starrett Drainage way along Water Street. In exchange for the easement, the City agrees to repair the current sidewalk deficiencies on two properties (402 and 403 S. Franklin Avenue), adjacent to Starrett Run.

Councilman Mariano commented that this arrangement appeared to be a good agreement for all parties involved.

Councilman Pellman moved, and Councilman Miller seconded, to adopt Resolution 53-10 as presented. Motion passed by unanimous voice vote.

54-10 A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENT WITH THE SHELBY COUNTY EMERGENCY MANAGEMENT AGENCY REGARDING THE USE OF CITY FACILITIES AND ASSETS IN THE EVENT OF AN EMERGENCY RESPONSE.

City Manager Stilwell explained the proposed agreement between the City and Shelby County EMA for the EMA to use the City's EOC facilities in the event of an emergency not involving the City of Sidney. The City would be reimbursed for non-municipal expenses incurred. EMA Director Marc Burdiss, Law Director M. Smith and Acting Fire Chief Simon endorse the agreement.

Councilman Mariano asked how the situation would be handled in the event of two simultaneous events. CM Stilwell explained that the City would be responsible for opening the EOC and both events would be dealt with at the same time.

Councilman Miller commented that this is another instance of City-County-Township agencies working together; not all counties enjoy that type of working relationship.

Council member McMillan inquired about the County's EMA facility on Fair Road. Their facility is available, however, the new EOC at the City Police Station has been equipped with state of the art equipment. Back up locations are the Fire Station #1 and the Water Treatment Plant.

Councilman Mariano moved, and Council member McMillan seconded, to adopt Resolution 54-10 as presented. Upon voice vote, motion passed unanimously.

MISCELLANEOUS

Discussion – Review of Five Year Plan

Finance Officer G. Adams opened the floor to Council for any questions or comments regarding the proposed Five Year Plan as presented at the September 7, 2010 Workshop session.

Councilman Miller commented that he looked at the projects funded and the projects not able to do and he feels it is good to recognize all of them. He has total confidence in the staff and felt the total analysis was good.

Mayor Barhorst further commented that the magnitude of the projects not being done will catch up with the City some day.

Finance Officer G. Adams will bring the Five-Year Plan back to Council as a Resolution at the September 27, 2010 meeting.

Council Comments

Mayor Barhorst asked for a motion to excuse Councilman Burns for "family issues". Councilman Pellman moved, and Council member Milligan seconded, to excuse Mr. Burns. Motion passed by voice vote.

Mayor Barhorst expressed appreciation to the City staff for their assistance with the Traveling Vietnam Wall, Healing Field of Flags and the Applefest activities. These two weeks have been very busy and created positive community spirit. Council member McMillan also thanked all the volunteers involved in making these events successful.

A copy of the Boards and Commissions was distributed to Council members with the request that they submit names for potential members on the Citizens Peer Review Committee. Names will be reviewed at the October 4, 2010 Workshop session.

Councilman Pellman told those present that he was approached by a stranger from Mississippi during the Friday evening activities at Applefest. The visitor was very taken by our beautiful Courthouse and the local architecture. T. Pellman feels the City should appreciate the visual treasures we have and build upon them.

Manager Comments

City Manager Stilwell reminded Council that the Wastewater Treatment Plant was in the process of repairing the digester equipment and some unpleasant odors may be noticed.

S. Stilwell shared the Mayor's comments in thanking those involved in the recent community events, from Senior Director and support staff levels.

The City IT Department is to be commended for the anticipated \$9,000 to be generated through the City-County working agreement for technology services.

ADJOURNMENT

At 7:02 PM with nothing further to come before Council, Council member McMillan moved and Councilman Mariano 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