

MINUTES OF THE REGULAR MEETING OF CITY COUNCIL

Held on Monday, August 8, 2011

6:34 P.M.

CALL TO ORDER

The regular meeting of Sidney City Council was called to order at 6:34 P.M. Monday, August 8, 2011, with Mayor Barhorst presiding.

ROLL CALL

The following Council members were present and answered roll call: Mike Barhorst, Frank Mariano, Katie McMillan, Tom Miller, Mardie Milligan, Terry Pellman and Steve Wagner.

Also attending was: Interim City Manager Tom Judy, Law Director Mike Smith, Public Works Director Chris Clark, Police Chief Kevin Gessler, Fire Chief Brad Jones, Parks Director Duane Gaier, Finance Officer Ginger Adams, and Community Services Director Barbara Dulworth. Also in attendance were Code Enforcement Officer Kirby King and Intern Hailey Billing (Botkins High School Senior).

APPROVAL OF MINUTES

Council member Milligan moved to adopt the minutes of the July 25, 2011 regular meeting and August 1, 2011 Workshop meeting. Motion seconded by Councilman Miller; motion passed unanimously by voice vote.

CITIZEN COMMENTS

Melissa Pursell, 1327 Riverbend Blvd, addressed Council with a request for transportation assistance from her home to the new NK Parts location in Anna. A medical condition prohibits her from driving to work. Interim City Manager Judy indicated that he would work with the Shelby Public Transit staff and Ms. Pursell to see what arrangements could be made.

INTRODUCTIONS

CSD Dulworth introduced the new Code Enforcement Officer, Kirby King. Mr. King has been in this position since May 16, 2011 and has been quickly familiarizing himself with the City Codes and getting out in the public. Councilman Miller wished him the best, urging him to remember that "effective communication is important".

ADOPTION OF ORDINANCES

A-2688 AN ORDINANCE MAKING SUPPLEMENTAL APPROPRIATIONS FOR THE YEAR 2011

Finance Officer Ginger Adams reviewed the supplemental appropriations for various funds for the 2011 budget year. The effect of these changes would be to increase 2011 appropriations by \$221,638. The following accounts would be amended accordingly: Capital Improvement Fund (+\$39,300), Street Fund (+\$10,000), CDBG Grant (+\$10,000), Information Technology Fund (+\$9,738), Indigent Driver Alcohol Treatment Fund (+\$75,000), Separation Payment Fund (+\$50,000), Water Fund (+\$18,400) and Sewer Fund (+\$9,200). Additionally, this ordinance would authorize appropriation transfers within the General Fund, but would not change total appropriations in this fund.

Councilman Miller moved, and Council member Milligan seconded, to adopt Ordinance A-2688. Upon voice vote, motion passed unanimously. Ordinance A-2688 is hereby adopted.

INTRODUCTION OF ORDINANCES

A-2689 AN ORDINANCE ASSESSING THE COST OF REPAIR OF A DANGEROUS BUILDING

Law Director Smith presented a brief overview of the recent repairs made to the Ohio Building due to loose and/or missing mortar and resulting falling brick. Hearing nothing from the building owner or building manager, the City issued an Order to Abate Dangerous Building, with service to the Secretary of State. No repairs were made by June 18, 2011 deadline and the City proceeded with a contract with Midwest Maintenance. Total cost to repair was \$22,163.

After the costs are assessed to the property, it would take approximately one year to pursue foreclosure action and recoup costs, if possible.

Councilman Mariano questioned the overall integrity of the structure. Fire Chief B. Jones responded that the Department had been in the building in March and observed water damage in the lower portion of the building but noted that they have not had access to the building since that time. The City would need probable cause to get search warrant and enter the premises for further inspection.

Ordinance A-2689 will return to Council for further deliberation on August 22, 2011.

A-2690 AN ORDINANCE AMENDING SECTIONS 1309.11(c) 1323.01, AND 1323.09 OF THE CODIFIED ORDINANCES REGARDING PRIVATE SWIMMING POOLS

CSD Dulworth presented Council with the amended regulations to Section 1323.01 dealing with safety concerns for private swimming pools. The proposed amendments would define a temporary pool as all other pools not fitting in the description of a swimming pool. Only temporary pools using an electric pump would require a permit and inspection of the electric connection. The effective date of this ordinance has been proposed as January 1, 2012.

Councilman Wagner applauded staff on the amendments addressing the staff concerns.

Fencing requirements will remain as is, with no amendments at this time.

Ordinance A-2690 will return to Council for further deliberation on August 22, 2011.

A-2691 AN ORDINANCE AMENDING SECTIONS 105.02, 105.03, 105.04 AND 105.05
OF THE CODIFIED ORDINANCES REGARDING THE BOUNDARIES OF
CITY WARDS

As a result of the 2010 census, the staff is proposing to re-draw the ward boundaries to reflect as close as possible 5,307 residents in each ward ($21,229 \div 4$ wards). CSD Dulworth provided Council with a map of the proposed wards and description of the boundaries. The proposed changes affect approximately 621 residents in 224 households, primarily near/in the downtown area.

Ordinance A-2691 will return to Council for further deliberation on August 22, 2011.

RESOLUTIONS

43-11 A RESOLUTION APPOINTING RANDY MAGOTO AS THE CITY OF
SIDNEY'S REPRESENTATIVE TO THE DISTRICT 13 PUBLIC WORKS
INTEGRATING COMMITTEE

PWD Clark presented a brief background on the Ohio Public Works Commission and the two programs established to provide grants, loans and financing for local debt support and credit enhancement. There are 19 Public Works Districts in Ohio; Shelby County is part of District 13. City Surveyor Randy Magoto will be appointed to the Public Works Integrating Committee as the City's representative.

Council member McMillan moved, and Councilman Mariano seconded, to adopt Resolution 43-11. Motion passed unanimously upon voice vote. Resolution 43-11 is hereby adopted.

DISCUSSION – Residential Beautification Program

CSD Dulworth introduced Hailey Billing, UVLGM Intern. A senior at Botkins High School, Ms. Billing has been working with the City during the summer splitting her time between Finance and Community Services. One of the projects she has been involved with is the proposed residential beautification program. Ms. Billing explained the semi-annual award program is designed to acknowledge residents who have made significant enhancements to their home through landscape, exterior renovations and/or clean up.

COUNCIL COMMENTS

Councilman Mariano commented on the success of the recent Chamber Expo. He feels that it is good for the community, for both companies and residents, and was well attended. He appreciated the Chamber of Commerce hosting the event.

Council member McMillan commended the City Police Department, Fire Department and County agencies for working well together for the recent success of the country concert.

Councilman Miller noted he was proud of the Police Department in their apprehension of the individuals at Wal-Mart. The media coverage gave “favorable shots” about Sidney, proving that we are aggressive. Mayor Barhorst echoed those sentiments.

STAFF COMMENTS

Finance Officer Adams introduced Sean McElroy of the Edison State College. Mr. McElroy serves on the governing board at Edison and was instrumental in the City participating in the internship program this summer and working with Ms. Billing.

Law Director Smith reported that the Resolution for the upcoming income tax levy has been delivered to the Board of Elections. The lawsuit against Desmond (owner of the Taylor Building) has been filed in the Shelby County Common Pleas Court.

CITY MANAGER COMMENTS

None.

EXECUTIVE SESSION

At 7:20 p.m., Councilman Mariano moved to go into Executive Session for the purpose of discussing real estate matters. Joining Council in Executive Session were Clerk Goubeaux, ICM Judy, PWD Clark, LD Smith and Finance Officer Adams.

Council member McMillan moved to go out of Executive Session at 7:48 p.m. Motion was seconded by Councilman Mariano and passed unanimously by voice vote.

ADJOURNMENT

There being no further business, Council member McMillan moved to adjourn, seconded by Councilman Mariano. Motion passed unanimously and the meeting was adjourned at 7:49 p.m.

The meeting was held pursuant to Sidney City Council Rules.

Respectfully submitted,

Joyce L. Goubeaux
City Clerk

Mayor