

MINUTES OF THE REGULAR MEETING OF CITY COUNCIL

Held on Monday, June 27, 2011

6:30 P.M.

CALL TO ORDER

The regular meeting of Sidney City Council was called to order at 6:30 P.M. Monday, June 27, 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: City Manager Steve Stilwell, Law Director Mike Smith, Asst. City Manager-Administrative Services Tom Judy, Public Works Director Chris Clark, Police Chief Kevin Gessler, Fire Chief Brad Jones, Assistant Parks Director Jim Heuing, and Finance Officer Ginger Adams. Other staff members attending included: Transit Manager Deb Grogean, WWTP Superintendent Brian Schultz, WWTP Barry Zerkle, HR Manager Vickie Allen and WWTP Brian Clark. Airport Manager Mike Chappie was in attendance.

APPROVAL OF MINUTES

Councilman Miller moved to adopt the minutes of the June 13, 2011 regular meeting. Motion seconded by Council member Milligan; motion passed unanimously by voice vote.

ADOPTION OF ORDINANCES

A-2680 AN ORDINANCE AMENDING SECTION 927.02 OF THE CODIFIED ORDINANCES REGARDING SHELBY PUBLIC TRANSIT SYSTEM RATES

Shelby Public Transit Director Deb Grogean reviewed the recommended changes in the transit rates for both contract and demand response. Although the ODOT Office of Transit recommends the Elderly & Disabled rates be set at 50% of the general public rate, there is no penalty for the City to set the rates differently.

Councilman Mariano moved, and seconded by Council member McMillan, to adopt Ordinance A-2680. Upon voice vote, motion passed unanimously. Ord. A-2680 is hereby adopted.

A-2682 AN ORDINANCE LEVYING THE MUNICIPAL TEN DOLLAR (\$10.00) MOTOR VEHICLE LICENSE TAX AS AUTHORIZED BY SECTIONS 4504.17 AND 4504.172 OF THE OHIO REVISED CODE

PWD Chris Clark reviewed Ord. A-2682 which would provide a \$10.00 license fee increase per vehicle for cars registered at the City of Sidney. Such new revenue, totaling \$190,000, would be set aside for street maintenance. Due to lack of funds and ever increasing cost of asphalt, the city is not maintaining streets at a rate to provide for the transportation needs of the citizens.

Councilman Miller commented that he would not support this license fee, feeling that it would only be a temporary, small fix to a major problem. He recommends foregoing the motor vehicle license fee and pursuing the .25% income tax. The City has gone for 21 years without an income tax levy; he feels now is the time. If the levy does not pass, then Council would need to seek other avenues for revenue. The income tax levy would need to be dedicated to streets only.

Councilman Pellman feels that we need to get the streets taken care of. He would support this license fee; however, he feels the public should decide on the income tax levy. His concern is what happens if the City foregoes the license fee and the levy is defeated; what happens to the streets then?

Mayor Barhorst commented that it is never easy to make a decision on taxes. He has received only a few comments, most of which say “time to get something done”. Council has an obligation to taxpayers to take care of our investments. He feels the Council should adopt the motor vehicle license fee and then later do an income tax levy, at which time the license fee would be removed.

Councilman Wagner noted that he feels the license fee is just a band aid and not big enough to do the job. He concurs with Councilman Miller that an income tax levy should be put in front of the voters. Council and staff need to “tell the story” as to why the street maintenance is under funded and how the revenue generated by the income tax would help get the city back on track. We need to do it right or don’t do it at all; go to the voters. The “story” should explain the need and where the city has made cuts to date.

Council member McMillan indicated her desire to go with a levy in November, 2011.

Councilman Mariano has heard from residents that they do not want any more taxes – do something else. He is opposed to the \$10 license fee; he would follow the people’s choice with a tax levy. Residents bring up the city’s spending of funds (i.e. demolitions) and not putting the funds toward the streets.

Council member Milligan is in favor of the motor vehicle license fee in order to get the funds in the city account and get started on the roads. If an income tax levy is passed, then the vehicle license should be reversed. If the revenue collection overlaps, then the street maintenance would get ahead quicker and worthwhile.

Councilman Pellman concurred with Councilman Mariano regarding “something else” but what is that? The city is dealing with math, not philosophy. The city is “at the point of cutting the bone itself”.

Mike Chappie, 407 South Main, Sidney addressed the Council with his comments. He feels that if Council passed the motor vehicle license fee it should be for a complete twelve month cycle so that everyone is included at least once. He supports the license fee and then present the income

tax issue to the public so that everyone will be contributing, not just those who have a motor vehicle license in Shelby County.

Councilman Miller commented that an income tax would enable us to tax people who live outside of Sidney.

Following discussion, Council member Milligan moved to adopt Ord. A-2682; seconded by Councilman Pellman. Roll call vote: Barhorst – yes; Mariano – no; McMillan – no; Miller – no; Milligan – yes; Pellman – yes; Wagner – no. Motion defeated by a 4 – 3 vote.

RESOLUTIONS

33-11 A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN ENGINEERING AGREEMENT WITH CHOICE ONE ENGINEERING CORPORATION REGARDING GENERAL ENGINEERING SERVICES

PWD Clark review the terms of the Engineering Agreement to be entered into with Choice One Engineering for general engineering services. The term of the agreement is three years at a cost of \$119,800 for all services listed in the agreement; amount of contract may be adjusted annually based on the volume of work that the City anticipates for any budget yet.

There being no questions from Council, Councilman Mariano moved, and Councilman Pellman seconded, to adopt Resolution 33-11. Motion passed unanimously upon voice vote. Res 33-11 is hereby adopted.

34-11 A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AIRPORT MANAGER CONTRACT WITH MIKE CHAPPIE, DBA AEROTECH AVIATION.

CM Stilwell presented Resolution 34-11 pertaining to the Airport Manager Contract between the City of Sidney and Mike Chappie, dba Aerotech Aviation. This contract begins July 1, 2011 and terminates June 30, 2014.

Council member McMillan moved to adopt Resolution 34-11; Council member Milligan seconded the motion; motion passed unanimously by voice vote. Resolution 34-11 is hereby adopted.

35-11 A RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE COLLECTIVE BARGAINING AGREEMENT WITH THE FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL, INC., SERGEANTS AND LIEUTENANTS

ACM Judy gave a brief review of the Memorandum of Understanding (MOU) reached between the City and the union. The purpose of the MOU is to reorganize the supervision of the police department. The result is the abolishment of four lieutenant positions, replaced by three

additional sergeant positions and one more captain position. The reorganization is anticipated to be completed by the end of 2012 through attritions.

Councilman Pellman commented that everyone involved in this negotiation did a great job; the result being logical and well done.

Councilman Mariano moved, and Councilman Wagner seconded, to adopt Resolution 35-11. Upon voice vote, motion passed unanimously. Resolution 35-11 is hereby adopted.

36-11 **A RESOLUTION APPOINTING KEVIN M BEHR AND TERRY DEVELVIS
TO THE DOWNTOWN DESIGN REVIEW BOARD**

Clerk Goubeaux presented two appointments to the Downtown Design Review Board, Kevin Behr and Terry DeVelvis. Both individuals would serve for a three year term, said terms expiring on May 1, 2014.

Councilman Miller moved, and Councilman Pellman seconded, to adopt Resolution 36-11. Motion passed unanimously by voice vote. Resolution 36-11 is hereby adopted.

DISCUSSION – NPDES Permit Status Report

PWD Clark and WWTP Superintendent B. Schultz presented the first of three presentations to Council regarding the new requirements for the National Pollutant Discharge Elimination System (NPDES) in order to be in compliance with Federal Water Pollution Control Act and as regulated by the Ohio EPA. The second report will be presented on August 22 and the third on January 2, 2012.

Staff reviewed the changes to the NPDES Permit and the affect they will have on the City operation in future years. Staff will present an ordinance to Council for approval and then it will be submitted to the State for their approval before enacting.

DISCUSSION – Liquor Permit Request (The Bridge – 127 W. Poplar)

The City received a liquor permit request for The Bridge restaurant, located at 127 W. Poplar Street. A copy of the Police Department's background report was provided to Council. The owner is requesting D1, D2 and D3 permits for their establishment. Silence from Council was a sign of support for the permits. Mayor Barhorst thanked Chief Gessler and his department for the quick response. Clerk Goubeaux will process the permit request and mail the form to Department of Liquor Control.

COUNCIL COMMENTS

Council member Milligan advised Council that she would be excusing herself from a portion of the Executive Session due to a conflict with the subject matter.

A letter of resignation from City Manager Steve Stilwell was acknowledged as received by City Council. His resignation will be effective July 15, 2011. He will be moving to Granville, Ohio and serve as their Village Manager, commencing July 25, 2011.

Mayor Barhorst reported on his recent attendance at the Mayors Conference in Lancaster, Ohio. He encouraged Council members to keep an eye on upcoming legislation, specifically the state budget.

Councilman Mariano advised fellow council members of his recent retirement from Emerson Climate Technologies. He will now have “more time to work with constituents”.

CITY MANAGER COMMENTS

CM Stilwell reminded Council of the fireworks scheduled for Sunday, July 3, 2011 at 10:00 p.m. Rain date will be Monday, July 4th.

EXECUTIVE SESSION

At 8:03 p.m. Councilman Mariano moved, and Councilman Miller seconded, to go into Executive Session to discuss Hoge Property negotiations and Personnel matters regarding the appointment of an interim city manager and the recruitment of a new city manager. Staff members joining Council in executive session included CM Stilwell, ACM Judy, PWD Clark, Clerk Goubeaux, LD Smith and HR Manager Allen.

Councilman Mariano made a motion at 9:15 PM to come out of Executive Session and adjourn the meeting; Councilman Wagner seconded and motion passed unanimously by voice vote.

The meeting was held pursuant to Sidney City Council Rules.

Respectfully submitted,

Joyce L. Goubeaux
City Clerk

Mayor