

MINUTES OF THE REGULAR MEETING OF CITY COUNCIL

Held on Monday, May 9, 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, May 9, 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, and Terry Pellman.

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, Parks Director Duane Gaier, Community Services Director Barbara Dulworth and Finance Officer Ginger Adams. Staff members present included: Deputy Clerk Lori Werling and Street Superintendent Marty Keifer. Guests included Jason Hancock, Chamber Leadership Intern.

APPROVAL OF MINUTES

There being no additions or corrections, Councilman Miller moved to adopt the minutes of the April 25, 2011 regular meeting and May 2, 2011 Workshop meeting. Motion seconded by Councilman Mariano; motion passed unanimously by voice vote.

APPOINTMENT AND SWEARING IN

Res 22-11 A RESOLUTION APPOINTING STEPHEN T. WAGNER AS COUNCILMAN
FOR THE FOURTH WARD

Mayor Barhorst presented Resolution 22-11 appointing Stephen T. Wagner as Councilman for the Fourth Ward, serving the unexpired term of Mike Burns. Said term will expire on November 30, 2013.

Councilman Mariano moved, and Council member McMillan seconded, to adopt Resolution 22-11. Motion passed unanimously by voice vote. Resolution 22-11 was declared adopted.

City Clerk J. Goubeaux performed the swearing in ceremony for the new Councilman. Mr. Wagner's wife Cheryl held the family bible while family members and friends observed the new Councilman taking the Oath of Office. Councilman Wagner then assumed his position on the council bench.

Mayor Barhorst told of two conversations he had with residents who are opposed to the amendments, both of which involved electrical hookups. He agrees with Council member McMillan in not wanting to see an accident happen; Council would be making a huge mistake to wait to enact changes.

Councilman Wagner agreed with everyone's comments; he feels there is a redundancy in the fence requirements and feels there is a need for more deliberation to safe guard property rights. He suggested that Council continue discussion on this issue and design legislation that everyone will find to be agreeable. He is in favor of electrical regulations. CSD Dulworth confirmed that the fence would require a lockable, self-closing, self-latching gate.

Councilman Mariano asked for clarification on the following issues: responsible party for violation of permit is the property owner; required inspections would be conducted by City Building Inspector; and City staff would conduct all follow up work on the permits and the "temporary pools" to insure compliance at the end of the pool season. Councilman Mariano is concerned with the electrical safety but still has an issue with fence height, especially on a corner lot.

Law Director M. Smith clarified the difference between "temporary" and "storable" pools; temporary pools would not require a permit or inspection but would only be allowed during the period of May 1 to October 1. Storable pools would come under the definition of swimming pools and would require a permit, fencing, etc.

Councilman Miller expressed his continued problem with fence height and feels that the City is going too far with regulations. His primary concern is the electrical safety. He would like to continue working toward a possible solution for all the issues.

Council member Milligan noted her concern with fence requirement for 24" deep pools. She is in support of electric pump inspections and if the pool is big, it needs a fence. She suggested tabling the matter and doing more research during this year's pool season.

Councilman Pellman shared the research he did on line regarding different sizes of pools. He is concerned about the safety of the children but would prefer the requirements be amended to reflect deeper pools, where there is more water involved.

Law Director M. Smith commented that, in regards to side yard and 5' fence, council should be aware that this is the current regulation for in-ground pools. Does Council want to put the "storable" pools in the same class as in-ground pools? Council needs to consider what are the issues, what size is too small or acceptable? CSD Dulworth explained that the numbers can be changed if Council gives staff direction as to what they prefer.

Councilman Wagner moved, and Council member McMillan seconded, a motion to postponed indefinitely Ordinance A-2679 due to lack of consensus on the requirements. It is Council's intent to continue working with staff on the swimming pool regulations. Voting results: Barhorst – no; Mariano – yes, McMillan – yes; Miller – yes; Milligan – yes; Pellman – yes; Wagner – yes. Ordinance A-2679 is dead.

INTRODUCTION OF ORDINANCE

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

Assistant City Manager T. Judy requested that Council postpone the introduction of Ordinance A-2680 until the June 13, 2011 regular meeting, due to a requirement of the Ohio Department of Transportation. The City must conduct a public hearing on the proposed rates and wait thirty days before enacting the Ordinance.

Councilman Pellman moved, and Council member Milligan seconded, to postpone the introduction of Ordinance A-2680 until June 13, 2011. Motion passed unanimously by voice vote.

RESOLUTIONS

23-11 A RESOLUTION AUTHORIZING THE SIDNEY FIRE CHIEF AND THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE SHELBY COUNTY EMERGENCY MANAGEMENT AGENCY REGARDING THE SHELBY COUNTY HAZARDOUS MATERIAL RESPONSE TEAM

Fire Chief B. Jones provided background information on the Shelby County HazMat Team since its formation in 1986. The team is a joint venture between the City of Sidney and Shelby County EMA. The proposed Memorandum of Understanding establishes the structure, requirements, personnel support and financial support for the HazMat Team.

It was explained that the funding for this Team is split 50/50 between the County EMA and City Fire Department, with both entities participating in the budget process. HazMat equipment is currently stored at the EMA Building on Fair Road. The HazMat Team recently received Class II certification.

Council member Milligan commended the staff for collaborating on this Team for the benefit of the community's safety.

Councilman Wagner agreed that the HazMat Team was a great asset for the City and the community. He inquired as to whether the City has pursued any grant funding for their share of the budget, similar to the FEMA and State grants awarded to the EMA. Chief Jones indicated that he would look into that option.

Motion to adopt Resolution 23-11 was made by Councilman Mariano and seconded by Council member McMillan. Upon voice vote, motion passed unanimously. Resolution 23-11 was declared adopted.

24-11 A RESOLUTION ACCEPTING THE RECOMMENDATIONS DATED
MARCH 11, 2011 FROM THE TAX INCENTIVE REVIEW COUNCIL
REGARDING ENTERPRISE ZONE AGREEMENTS

CSD B. Dulworth reported that the Tax Incentive Review Council (TIRC) held its annual review meeting on March 11, 2011 and recommended that the following agreements be continued without any changes or amendments: Freshway Foods (Gilardi Realty), NK Parts, Advanced Composites, ITW (Peerless/Zielsdorf), Hexa Americas, Emerson Climate Technologies and Energizer Personal Care/Clinton Realty.

Councilman Miller moved to adopt Resolution 24-11; motion seconded by Councilman Wagner. Motion passed unanimously by voice vote. Resolution 24-11 was declared adopted.

COUNCIL COMMENTS

Council member Milligan excused herself from the Executive Session due to a conflict of interest in the subject matter to be discussed.

Councilman Mariano stated he has assured residents that the new traffic signals at Main Avenue and Russell Road include sensors and not red light cameras.

Upon inquiring from Councilman Mariano as to the status of Poplar Street closure, CM Stilwell explained that the contractor is using that area for field work. Contractor is working to insure proper compaction on the site for future development on the lot. The traffic lights are expected to be re-installed within the next two weeks.

Council member McMillan asked Chief Gessler about the success of Drug Take Back Day. Chief Gessler replied that it was a success, with a total of 80 pounds (pills and capsules only) collected in one day. Continued education of the public as to the correct method of disposing expired or unwanted medications is needed. People are being discouraged from dumping them down the drains; medications should be mixed with kitty litter, coffee grounds or such, and then disposed in the regular trash pick up. Mayor Barhorst thanked Chief Gessler and his department on their efforts on this project; hopefully more advertising next year will result in higher volumes collected.

Councilman Wagner inquired as to the status of the Ohio Building on Ohio Avenue. CM Stilwell reported that on April 20, 2011 the owner was directed to make repairs; he has sixty days to comply. The City is in the process of developing specifications and, if needed, will bid and award a contract for the repairs. Costs will be assessed to the property owner accordingly. Mayor Barhorst commented that hopefully the City can remove the stigma of being "barricade city" soon.

Councilman Wagner expressed his thanks and appreciation to fellow Council members for putting their faith in him to serve as Fourth Ward representative. Council congratulated Mr. Wagner on his appointment.

CITY MANAGER COMMENTS

CM Stilwell reminded Council of the June 6, 2011 Capital Tour as a subset of the June Workshop meeting. Council members are asked to contact his office if they wish to add any items to the tour schedule.

The Parks Department is, by definition, three weeks behind when the weather breaks. Staff is working on getting caught up, with fewer staff members.

EXECUTIVE SESSION

At 7:30 p.m., Council Miller moved to go into Executive Session for purposes of discussing Hoge eminent domain issues. Councilman Pellman seconded the motion. Upon voice vote, motion passed. Staff members invited to join Council in Executive Session included Clerk J. Goubeaux, City Manager S. Stilwell, Assistant City Manager T. Judy, Law Director M. Smith and Public Works Director C. Clark.

Council member Milligan made a motion at 7:53 PM to come out of Executive Session and adjourn the meeting; Council member McMillan seconded and motion passed by voice vote.

The meeting was held pursuant to Sidney City Council Rules.

Respectfully submitted,

Joyce L. Goubeaux
City Clerk

Mayor