

MINUTES OF THE REGULAR MEETING OF CITY COUNCIL

Held on Monday, October 24, 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, October 24, 2011, with Vice Mayor Milligan presiding.

ROLL CALL

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

Also attending were: Acting City Manager/PW Director Chris Clark, Law Director Mike Smith, 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 WWTP Superintendent Brian Schultz and Shelby Public Transit Manager Deg Grogean. Vice Mayor Milligan introduced and welcomed guests, Law Director elect Jeffrey Amick and his wife, Diane Amick.

APPROVAL OF MINUTES

Councilman Mariano moved to adopt the minutes of the October 10, 2011 regular meeting. Motion was seconded by Council member McMillan; motion passed unanimously by roll call.

CITIZEN COMMENTS

None.

ADOPTION OF ORDINANCES

A-2698 AN ORDINANCE AMENDING SECTIONS 913.01, 913.02(j), 913.21(c), 913.21(e), 913.22(b)(10), 913.22(b)(12), 913.25, 913.27, and ENACTING SECTION 913.22(b)(13) OF THE CODIFIED ORDINANCES REGARDING PRETREATMENT OF INDUSTRIAL WASTE

WWTP Superintendent B. Schultz gave a brief overview of the required amendments to Chapter 913 of the Codified Ordinances in accordance with US EPA and Ohio EPA regulations. It was noted that most of the changes are needed to clarify the language in the Code.

Councilman Wagner moved to adopt Ordinance A-2698; motion seconded by Councilman Miller. Upon roll call, motion passed unanimously. Ordinance A-2698 is hereby adopted.

A-2699 AN ORDINANCE AMENDING SECTION 1123.01(b) OF THE CODIFIED ORDINANCES REGARDING REGULATIONS IN THE ZONING CODE OF COMMUNITY BUSINESS DISTRICT

CSD B. Dulworth reviewed the proposed amendment to the Zoning Code applicable to the Community Business District. A request has been received from Gene Ashworth to amend Section 1123.01 which deals with permitted uses in the B-2, Community Business District to include musical instrument sales. The B-2 district includes “appliance sales and/or service establishment; music store”. This amendment would add “record sales; instrument sales and service; music lessons” as permitted uses. The Planning Commission concurs with staff that these uses would be appropriate uses in a B-2 District.

CSD B. Dulworth noted that the owner currently operates a tattoo parlor at this location as well as the sale of musical instruments. His intent is to work with local schools in serving their music departments. While there was concern expressed about the two types of uses in the same location, Councilman Wagner noted that he spoke with the business owner and there is a separation between the business activities. CSD Dulworth noted that the zoning code change is not specific to location but deals with use only.

A motion was made by Councilman Mariano and seconded by Councilman Wagner to adopt Ordinance A-2699. Roll call: Barhorst – absent; Mariano – yes; McMillan – no; Miller – yes; Milligan – yes; Pellman – yes; Wagner - yes. Motion passed 5 -1 in favor. Ordinance A-2699 is hereby adopted.

RESOLUTIONS

59-11 A RESOLUTION APPOINTING JEFFREY L. AMICK AS CITY LAW DIRECTOR

LD Smith reported to Council that a committee of Council and City citizens reviewed the applications and resumes for the new full time City Law Director position. Following the interview and background check process, City Council has selected Jeffrey L. Amick as the new Law Director effective December 31, 2011.

Vice Mayor Milligan welcomed Mr. and Mrs. Amick to Sidney and to the City staff. Mr. Amick introduced his wife Diane and commented that he was proud to be selected as the fourth Law Director for the City of Sidney since the adoption of the Charter in 1955.

60-11 A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR FY 2012 OPERATING AND CAPITAL GRANTS

SPT Manager D. Grogean reviewed the grant application process for 2012, indicating that the grant funding is expected to remain unchanged. The operating grants provide 61% of the operating costs and capital costs are generally 90% funded. The 2012 grant awards will be announced in December.

Councilman Mariano moved to adopt Resolution 60-11; motion seconded by Councilman Pellman. Motion passed upon roll call. Resolution 60-11 is hereby adopted.

61-11 A RESOLUTION ADOPTING AN AMENDED ALCOHOL AND CONTROLLED SUBSTANCES ABUSE POLICY FOR SHELBY PUBLIC TRANSIT EMPLOYEES.

SPT Manager D. Grogean provided Council with the amended Drug and Alcohol Testing Policy as required by the Federal Transit Administration in order to be in compliance with 49 CFR Part 655. These amendments include new definitions, new testing thresholds and inclusion of Ecstasy as a prohibited substance. The SPT revised policy has been approved by ODOT.

Councilman Wagner moved to adopt Resolution 61-11; Councilman Miller seconded the motion. Motion passed by unanimous roll call. Resolution 61-11 is hereby adopted.

62-11 A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER TO ENTER INTO A CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION REGARDING ELDERLY AND DISABLED FARE ASSISTANCE PROGRAM

SPT Manager D. Grogean explained that Shelby Public Transit was awarded \$20,628 to offset the fare box loss incurred during calendar year 2010. This amount reflects the reimbursement of half of the \$2.50 general public rate for non-contract trips provided to the elderly and disabled patrons in the City and the same-day service areas. No grants are currently available for county trips; the County is responsible for that portion of the program.

Councilman Mariano moved to adopt Resolution 62-11, seconded by Council member McMillan. Upon roll call, motion passed unanimously. Resolution 62-11 is hereby adopted.

DISCUSSION – Traffic Safety Report

Police Chief K. Gessler presented a summary of traffic safety topics his Department is currently facing, namely motor vehicle frequency of accidents; distracted driving trends and concerns, and an analysis of the most recent twelve months.

COUNCIL COMMENTS

Councilman Pellman moved to excuse Mike Barhorst from the meeting due to travel out of state; motion seconded by Councilman Wagner. Upon roll call, motion passed unanimously.

Councilman Mariano again welcomed Jeffrey Amick to the City staff; Council members concurred.

Councilman Wagner expressed his appreciation to SPT Manager D. Grogean for spending time with him to answer questions regarding the public transit program.

STAFF COMMENTS

ACM Clark reminded Council of the accelerated schedule for the contractor on Wapakoneta Avenue, Phase 1B. Signs are posted to remind the traffic to slow down in the construction zone.

ACM Clark extended congratulations to Finance Officer G. Adams for the AA rating the City recently received.

ADJOURNMENT

There being no further business, Councilman Wagner moved to adjourn, seconded by Councilman Mariano. Motion passed unanimously by roll call and the meeting was adjourned at 7:20 p.m.

The meeting was held pursuant to Sidney City Council Rules.

Respectfully submitted,

Joyce L. Goubeaux
City Clerk

Mayor