

MINUTES OF THE REGULAR MEETING OF CITY COUNCIL

Held on Monday, September 26, 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, September 26, 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 were: Interim City Manager Tom Judy, 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 Assistant WWTP Superintendent Barry Zerkle and members of the Sidney Police Department.

APPROVAL OF MINUTES

Council member Milligan moved to adopt the minutes of the September 12, 2011 regular meeting and September 26, 2011 Special meeting. Motion was seconded by Councilman Wagner; motion passed unanimously by voice vote.

CITIZEN COMMENTS

None.

PRESENTATION – CLEAN SWEEP AWARDS

Assistant WWTP Superintendent B. Zerkle introduced the Clean Sweep committee representatives, Roger Bender and Jerry Geuy. The 2011 program cleaned up approximately nineteen miles along the Great Miami River. Appreciation plaques were presented to Andrea Flowers, representing Cargill, Inc. (largest sponsor of the event) and to Mayor Barhorst, on behalf of the City's support.

PRESENTATION – LIFE SAVING AWARDS

Police Chief K. Gessler proudly presented Life Saving Awards to Officers Andy Shappie, Aaron Wesbecher, Matt Dembski and Greg Cruse for their efforts during a September 7, 2011 fire on Buckeye Avenue. "The courageous action and successful effort of these four officers resulted in saving the life of Joseph Wilson." Members of the Department were in attendance to add their endorsement to City Council's congratulations.

ADOPTION OF ORDINANCES

A-2692 AN ORDINANCE REZONING LOTS 254, 255, and 5192 LOCATED AT 320 NORTH MAIN AVENUE FROM AN I-1 LIGHT INDUSTRIAL DISTRICT TO A B-2 COMMUNITY BUSINESS DISTRICT

CSD Dulworth reviewed Ordinance A-2692 explaining that owner Josh Brautigam is requesting a rezoning of his property located at 320 North Main Avenue, current location of Ace Hardware. There is a second use of the building for a business that provides tax and accounting services as well as IT/software support. Current zoning of the property as an industrial district does not permit these uses. The rezoning to B-2 Community Business District has been reviewed by the Planning Commission at their August 18, 2011 meeting and they recommend the approval as requested. The owner has indicated that he intends to continue the hardware business and is in agreement with the B-2 zoning classification.

Councilman Pellman moved, and Council member Milligan seconded, to adopt Ordinance A-2692. Motion passed unanimously by voice vote. Ordinance A-2692 is hereby adopted.

A-2693 AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$5,625,000 WASTEWATER SYSTEM LIMITED TAX GENERAL OBLIGATION REFUNDING BONDS

Finance Officer G. Adams explained that Ordinance A-2693 provides for the refinancing of the Series 2001 Wastewater System Improvement G.O. bonds. Originally issued in 2001 for \$6,900,000, the remaining average coupon interest rate is 4.5%. These new bonds will be payable from sewer revenues.

Council member McMillan moved to adopt Ordinance A-2693; motion seconded by Councilman Mariano. Upon voice vote, motion passed unanimously. Ordinance A-2693 is hereby adopted.

~~A-2694~~ AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$1,450,000 MUNICIPAL COURT LIMITED TAX GENERAL OBLIGATION REFUNDING BONDS

Finance Officer G. Adams explained that Ordinance A-2694 provides for the refinancing of the Series 1998 Municipal Court Improvement Project G.O. bonds. Originally issued in 1998 for \$2,765,000, the remaining average coupon interest rate is 4.6%. These new bond will be repayable from income tax revenues.

Councilman Wagner moved, and Council member Milligan seconded, to adopt Ordinance A-2694. Motion passed by unanimous voice vote. Ordinance A-2694 is hereby adopted.

A-2695 AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$230,000 OF BONDS OF THE CITY OF SIDNEY, OHIO, FOR THE PURPOSE OF PREPAYING THE POLICE PORTION OF THE CITY'S ACCRUED LIABILITY TO THE OHIO POLICE AND FIRE PENSION FUND, AND MATTERS RELATING TO SUCH BONDS

Finance Officer G. Adams explained that Ordinance A-2695 provides for the refinancing of the long-term debt attributable to the police officers' prior service cost incurred when the Ohio Police & Fire Pension Fund was established. The new bond will be repayable from General Fund revenues.

Councilman Mariano moved to adopt Ordinance A-2695; Council member McMillan seconded the motion. Motion passed unanimously upon voice vote. Ordinance A-2695 is hereby adopted.

A-2696 AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$145,000 OF BONDS OF THE CITY OF SIDNEY, OHIO, FOR THE PURPOSE OF PREPAYING THE FIRE PORTION OF THE CITY'S ACCRUED LIABILITY TO THE OHIO POLICE AND FIRE PENSION FUND, AND MATTERS RELATING TO SUCH BONDS

Finance Officer G. Adams explained that Ordinance A-2696 provides for the refinancing of the long-term debt attributable to the firefighters' prior service cost incurred when the Ohio Police & Fire Pension Fund was established. The new bond will be payable from General Fund revenues.

Motion was made by Councilman Miller to adopt Ordinance A-2696; motion seconded by Councilman Pellman. Upon voice vote, motion passed unanimously. Ordinance A-2696 is hereby adopted.

A-2697 AN ORDINANCE CONSOLIDATING FOUR BOND ISSUES OF THE CITY OF SIDNEY, OHIO

Finance Officer G. Adams noted that Council's approval of Ordinance A-2697 would authorize the consolidation of the debt into one "various purpose" issuance. This consolidation reduces overall issuance costs and should serve to attract more bidders to the competitive process.

Councilman Wagner moved, and Councilman Mariano seconded, to adopt Ordinance A-2697. Motion passed by unanimous voice vote. Ordinance A-2697 is hereby adopted.

RESOLUTIONS

49-11 RESOLUTION ADOPTING THE FIVE-YEAR PLAN (2012 TO 2016)

Finance Officer Adams presented the Five-Year Plan (2012 to 2016) to Council. There being no questions raised, Councilman Mariano moved to adopt Resolution 49-11. Council member McMillan seconded the motion; motion passed by unanimous voice vote. Resolution 49-11 is hereby adopted.

50-11 RESOLUTION ACCEPTING A STORM DRAINAGE EASEMENT FROM SHELBY COUNTY MEMORIAL HOSPITAL ASSOCIATION DBA WILSON MEMORIAL

PWD C. Clark reviewed the dedicated perpetual easement for the operation, maintenance and replacement of an 84” storm sewer on property owned by Shelby County Memorial Hospital, dba Wilson Memorial Hospital. By accepting the easement, the city further assumes the maintenance responsibilities to ensure proper and adequate drainage now and in the future.

Councilman Pellman moved to adopt Resolution 50-11. Motion seconded by Councilman Miller. Upon voice vote, motion passed unanimously. Resolution 50-11 is hereby adopted.

51-11 RESOLUTION APPOINTING MICHAEL JANNIDES TO THE CITY TREE BOARD

Resolution 51-11 will appoint Michael Jannides to a three-year term on the Sidney Tree Board; term will expire April 30, 2014.

Council member McMillan moved to adopt Resolution 51-11; Councilman Pellman seconded the motion. Motion passed by unanimous voice vote. Resolution 51-11 is hereby adopted.

52-11 RESOLUTION REAPPOINTING DAVID O’LEARY AND GARY HARBISON TO THE CITIZENS PEER REVIEW COMMITTEE

Resolution 52-11 will reappoint David O’Leary as 4th Ward representative for a three-year term. His term will expire December 31, 2014. Gary Harbison will be reappointed as an At-Large representative, with a term ending December 31, 2014.

Councilman Wagner moved, and Councilman Miller seconded, to adopt Resolution 52-11. Motion passed unanimously by voice vote. Resolution 52-11 is hereby adopted.

53-11 RESOLUTION REAPPOINTING RALPH KEISTER III TO THE INCOME TAX BOARD OF APPEALS

Resolution 53-11 will reappoint Ralph Keister III to a four-year term on the Income Tax Board of Appeals. The new term will expire September 30, 2015.

Council member McMillan moved, and Councilman Mariano seconded, to adopt Resolution 53-11. Motion passed unanimously by voice vote. Resolution 53-11 is hereby adopted.

54-11 RESOLUTION REAPPOINTING JAMES LOCKWOOD TO THE PERSONNEL BOARD OF APPEALS

Resolution 54-11 will reappoint James Lockwood to the Personnel Board of Appeals for a three-year term, expiring December 31, 2014.

Councilman Miller moved to adopt Resolution 54-11; motion seconded by Councilman Wagner. Upon voice vote, motion passed unanimously. Resolution 54-11 is hereby adopted.

DISCUSSION – Wagner Manufacturing Environmental Assessment

CSD B. Dulworth introduced the city's consultant to Council; SME representatives Mark Quimby and Dan Roeser were present to address Council regarding the current activities at the Wagner Manufacturing location (440 Fair Road) and to discuss upcoming activities related to the assessment and eventual remediation of the property.

The presentation explained the original project approach and objective; work completed to date and the procedures to obtain COAF (Clean Ohio Assistance Fund) and CORF (Clean Ohio Revitalization Fund) grants from the State.

SME consultants fielded questions from Council regarding the drilling process, the proposed future uses and estimated costs of the various phases. They anticipate the point of compliance for drilling would be in the top four feet of the soil, which would allow for modified residential/park (four feet) and commercial (two feet).

Application for the CORF Grant has three options: developer with plan (\$3M award); redevelopment "ready" (\$2M award) or sustainable investment (signature park). There would be a 25% match requirement, which could include applicable projects two years back. Council member McMillan inquired as to the upcoming street paving schedule, when the streets in this vicinity would be scheduled, and whether that work could be included in the match. PWD Clark indicated he would look into the scheduling.

COUNCIL COMMENTS

Mayor Barhorst thanked council for their hard work and time invested in the Law Director interviews held earlier this date.

Mayor Barhorst inquired about the multiple shelters located at Brookside Park. Parks Director D. Gaier explained that they are for the residents to use while enjoying the natural settings. Boy Scout projects are still available in the city parks.

Police Chief K. Gessler was thanked by Mayor Barhorst for finding his missing portrait; Fire Chief B. Jones was also thanked for his participation in the fundraising Gateway Arts program "Bad Art by Good People".

STAFF COMMENTS

PWD C. Clark reminded Council of the public meeting to be held on Tuesday, September 27, 2011 at the VFW with the Wapak Ave neighbors and businesses.

Fire Chief B. Jones reported to Council that the Department recently received a donation from the Russell Road Church in the amount of \$5,500. He indicated that it is always good to interface with the community on a good note and have fun, as opposed to during the tragic events in their lives.

An update was also given on the recent Fire – Police football scrimmage.

INTERIM CITY MANAGER COMMENTS

ICM Judy gave Council an update on the Water Tower Painting project. The contractor and sub-contractors are working on a solution; the performance bond is being held until the problem is resolved.

ADJOURNMENT

There being no further business, Councilman Mariano moved to adjourn, seconded by Council member McMillan. Motion passed unanimously and the meeting was adjourned at 7:37 p.m.

The meeting was held pursuant to Sidney City Council Rules.

Respectfully submitted,

Joyce L. Goubeaux
City Clerk

Mayor