

MINUTES OF THE REGULAR MEETING OF CITY COUNCIL

Held on Monday, June 13, 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 13, 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, Parks Director Duane Gaier, Community Services Director Barbara Dulworth, Assistant Finance Officer Renee Dulaney and Transit Manager Deb Grogan.

RESOLUTION

27-11 A RESOLUTION APPOINTING STEVE STILWELL ACTING CITY CLERK

Mayor Barhorst presented a brief overview indicating that Manager Stilwell was serving as Acting City Clerk without compensation.

Councilman Pellman moved, seconded by Councilman Wagner, to adopt Res 27-11. Upon voice vote, motion passed. Resolution 27-11 was adopted.

APPROVAL OF MINUTES

Councilman Mariano moved to adopt the minutes of the May 23, 2011 regular meeting and June 6, 2011 Workshop meeting. Motion seconded by Councilman Miller; motion passed unanimously by voice vote.

PRESENTATION

Fire and Emergency Service Awards were presented to A Unit for their activities on April 4, 2011.

For their efforts, Lt. Chris Niswonger, Lt. Chad Hollinger, John Duncum, Greg Francis, Ray Hess and Michael Terrian have been awarded a Unit Citation.

Members of B Unit were recognized for their activities on April 5, 2011 responding to a call of a two-year old choking.

For their efforts, FF/paramedics Bill Frey, Mark Barga, and Jason Truesdale have been awarded a Unit Citation.

INTRODUCTIONS

Two Fire Department promotions were brought to the attention of City Council by Chief Brad Jones. Lt. Cameron Haller was promoted to Assistant Chief and Firefighter Chad Hollinger was promoted to Lieutenant.

PROCLAMATION

Mayor Barhorst proclaimed Saturday, June 18, 2011 as Mike Lundy Day in celebration of Captain Lundy's 39 years of service as a City of Sidney Police Officer.

ADOPTION OF ORDINANCES

A-2681 AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES FOR THE CITY OF SIDNEY, OHIO.

Law Director M. Smith reviewed Ordinance A-2681 concerning the codification of ordinances passed over the past two years by City Council.

Councilman Miller moved, seconded by Council member Milligan, to adopt Ord A-2681. Upon voice vote, motion passed unanimously. Ordinance A-2681 was adopted.

INTRODUCTION 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. Ord. A-2680 will be presented for second reading and adoption at the June 27, 2011 regular meeting.

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 introduced Ord. A-2682 which provides 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 Pellman indicated that after further consideration, he was now in favor of the new fees for street work. Councilman Mariano voiced his opposition to the proposal. There were no comments from the audience.

Ord. A-2682 will be presented for a second reading and adoption at the June 27, 2011 regular meeting.

INTRODUCTION AND ADOPTION OF ORDINANCE

A-2683 AN ORDINANCE ABOLISHING THE POSITIONS OF CITY ENGINEER, ASSISTANT CITY ENGINEER, ENGINEERING TECHNICIAN I AND ENGINEERING TECHNICIAN II

CM Stilwell presented a brief overview of the city's financial challenges which require reduction in staffing in order that the basic minimal services to the residents can be continued.

Councilman Mariano indicated that one of the individuals whose position was abolished called him and requested that he be allowed to continue employment until the end of his twentieth year (July 29, 2011).

Citizens Robert Jenkins, 1630 Wildwood Court, asked if other employment was being cut. CM Stilwell indicated no. Mayor Barhorst indicated that the city had used attrition to reduce staffing heretofore. Councilman Miller requested that the staff provide to council a summary of all the positions left unfilled on a department by department basis.

Motion was made by Councilman Miller, seconded by Council member Milligan, to suspend the rules for second reading of Ord. A-2683. Upon voice vote, motion passed.

Councilman Pellman moved, seconded by Councilman Wagner, to adopt Ord. A-2683. Upon voice vote, motion passed. Ord. A-2683 was adopted.

RESOLUTIONS

28-11 A RESOLUTION APPOINTING ERIC SMITH AND DAVE RUSSELL TO THE AIRPORT ADVISORY COMMITTEE

Council member McMillan moved, seconded by Councilman Pellman, to adopt Res 28-11. Motion passed unanimously by voice vote. Res. 28-11 is hereby adopted.

29-11 A RESOLUTION REAPPOINTING DAVE KREISCHER AND APPOINTING KENT CRAVER TO THE BOARD OF BUILDING CODE APPEALS

Councilman Mariano moved, and Council member McMillan seconded, to adopt Res. 29-11. Upon voice vote, motion passed unanimously. Res. 29-11 is hereby adopted.

30-11 A RESOLUTION APPOINTING KELTY INMAN TO THE RECREATION BOARD

Motion was made by Councilman Miller and seconded by Councilman Mariano to adopt Res 30-11. Motion passed unanimously by voice vote. Res 30-11 is hereby adopted.

31-11 A RESOLUTION REAPPOINTING LARRY BILLING AND DAN HEITMEYER TO THE REVOLVING LOAN FUND COMMITTEE

Councilman Wagner moved to adopt Res 31-11; motion seconded by Councilman Pellman. Upon voice vote, motion passed unanimously. Res 31-11 is hereby adopted.

32-11 A RESOLUTION REAPPOINTING TOM EHLER TO THE ZONING BOARD OF APPEALS

Council member Milligan moved, and seconded by Councilman Mariano, to adopt Res 32-11. Motion passed unanimously by voice vote. Res 32-11 is hereby adopted.

DISCUSSION – Taylor Building Collection

A discussion was led by City Law Director Mike Smith as to the city's pursuit of repayment of the costs for the demolition of the Taylor Building. The total costs at this time are \$379,207.11. Per his June 13, 2011 memo, LD Smith advised Council that there were two courses of action which he proposed to pursue concurrently:

1. Assessment which would make the outstanding amount a junior lien against all other liens
2. A law suit against the limited liability company.

Mr. Smith submitted that he thought the judgment would be forthcoming; however, the collection of the entire amount would be difficult because of the limited liability corporation ownership.

Councilman Miller asked as to the cost of the law suit. Mr. Smith indicated it was part of his normal responsibilities. Councilman Miller encouraged Mr. Smith to pursue both special assessment and lawsuit as soon as possible.

Councilman Mariano seconded Mr. Miller's comments.

Council member McMillan asked if there were other ways to gain repayment. Mr. Smith said he was not aware of any. Mr. Smith also indicated the city's administrative costs (i.e. fire, police) are not included because they are normal government services and therefore cannot be special assessed.

Councilman Wagner asked if non-compliance with building codes constituted illegal activity and as such would allow the city to pierce the corporate veil thus gain further reimbursement. Mr. Smith indicated he did not think the non-compliance rose to the level of illegality.

Councilman Mariano inquired about other properties owned by the limited liability corporation. Mr. Smith indicated that they would search records on a statewide basis and pursue any and all assets.

Mayor Barhorst questioned whether the owner had been contacted recently. The staff indicated no.

There were no comments from the audience.

COUNCIL COMMENTS

Mayor Barhorst noted that he attended the Rotary Club meeting at which time Lt. Wil Balling had made a strong presentation regarding the challenges of regulating bath salts.

STAFF COMMENTS

None.

CITY MANAGER COMMENTS

CM Stilwell clarified the amount of paving done by ODOT in this year's program along SR 47. The paving will proceed no farther east than Tawawa Creek Bridge.

EXECUTIVE SESSION

At 7:40 p.m. Council member Milligan moved, and Councilman Pellman seconded, to go into Executive Session to discuss boards and commissions, collective bargaining and personnel. Motion passed by unanimous voice vote. Staff members CM Stilwell, ACM Judy, LD Smith, HR Mgr V. Allen, Police Chief Gessler and CSD Dulworth joined the Council and Acting Clerk Stilwell in the closed session.

Councilman Mariano made a motion at 8:30 PM to come out of Executive Session and adjourn the meeting; Councilman Pellman seconded and motion passed by voice vote.

The meeting was held pursuant to Sidney City Council Rules.

Respectfully submitted,

Steven B. Stilwell
Acting City Clerk

Mayor