

## **MINUTES OF THE REGULAR MEETING OF CITY COUNCIL**

Held on Monday, August 24, 2009

6:30 P.M.

### **CALL TO ORDER**

Mayor Barhorst called the regular meeting of Sidney City Council to order at 6:30 P.M. Monday, August 24, 2009. Council member McMillan opened the meeting with a moment of prayer, followed by the Pledge of Allegiance.

### **ROLL CALL**

The following Council members were present and answered roll call: Mike Barhorst, Frank Mariano, Katie McMillan, Tom Miller, and Mardie Milligan.

Also attending was: City Manager Steve Stilwell, Law Director Mike Smith, Asst. City Manager-Administrative Services Tom Judy, Police Chief Kevin Gessler, Fire Chief Stan Crosley, Parks Director Duane Gaier, Public Works Director Bill Gosciewski, Community Services Director Barbara Dulworth, Finance Officer Ginger Adams, Transit Manager Deb Groegan, and Utility Director Chris Clark. Council candidate Rick Sims was also in attendance.

### **APPROVAL OF MINUTES**

Minutes of the August 10, 2009 Regular Meeting were presented for approval.

Council member McMillan then moved, with Council member Milligan seconding a motion to accept the minutes as presented. The roll call vote was unanimous and the minutes were approved. \*

### **ADOPTION OF ORDINANCES**

(A-2620) AN ORDINANCE MAKING SUPPLEMENTAL APPROPRIATIONS FOR THE YEAR 2009

Finance Officer Adams explained this ordinance would increase appropriations to the 2009 budget by \$233,707 and reviewed each of the proposed changes.

Mayor Barhorst questioned how many homes had been identified for demolition under the Neighborhood Stabilization Fund and Community Services Dir. Dulworth responded four homes have been identified of the eight the City will be demolishing in the next two years.

It was moved by Councilman Mariano, seconded by Council member McMillan to adopt this ordinance as presented. The roll call vote was unanimous and Ordinance A-2620 was declared adopted.

(A-2621) AN ORDINANCE AMENDING SECTION 920.03 OF THE CODIFIED ORDINANCES REGARDING ANNEXATION

Utility Director Clark recognized County Engineer Bob Geuy in attendance tonight and explained recent City proposals to provide property in the area of Kuther and Millcreek serviceable with City utilities for Economic Development. He noted those attempts have failed and the County has been under orders from OEPA since 2007 to address sewage issues at the Stephens Subdivision. Clark commented during the City's efforts to obtain grant funding for industrial sites in this area, it became apparent that by working with the County on their sewage issues, the City could provide sewer services for industrial development. He explained this ordinance would provide a mechanism in the annexation rules to provide sewer services to County owned facilities without annexation. This ordinance would allow the City to contract with the County to provide this sewer service without annexation. Clark reviewed the following conditions of this agreement with the County:

- County would poll Stephens Subdivision residents to ascertain interest in annexation
- Pay half the cost of installing gravity sewer on Kuther from Campbell to Stephens Sub.
- City would provide sewer service to County without annexation
- County would agree to limit Stephens Sub. Service area to only existing homes
- County would work towards elimination of I & I within the subdivision
- City would master meter County flows and County would pay "Outside City Sewer Rate"
- Residents of Stephens Subdivision would remain customers of the County

Council member McMillan questioned the timeframe for this project and Geuy explained the County has a grant for this project and they have 24 months to get the project under contract (July 2010).

Staff will prepare the appropriate agreement for this project for Council's review and approval at their September 14, 2009 meeting.

Council candidate Sims questioned how this project differs from the City receiving Honda and Port Jefferson sewage and City Manager Stilwell responded the City has the ability to extend sewer to this area for economic development and for health safety and welfare. He added this would provide sewer service to the Stephens Subdivision and would be limited to County owned facilities.

Councilman Mariano then moved and Councilman Miller seconded a motion to adopt this ordinance as presented. The roll call vote was unanimous and Ordinance A-2621 was declared adopted.

## **INTRODUCTION OF ORDINANCES**

### **(A-2622) AN ORDINANCE AMENDING SECTION 131.30 OF THE CODIFIED ORDINANCES REGARDING RESIDENCY REQUIREMENTS**

Asst. City Manager-Administrative Services Judy explained this ordinance would require employees not covered by a collective bargaining agreement to establish residence in Shelby County or a county adjacent to Shelby County within twelve months of hire. He noted on June 10, 2009 the Ohio Supreme Court upheld the constitutionality of Ohio Revised Code 9.481 in which the Ohio General Assembly generally prohibits political subdivisions from adopting residency requirements for its employees. Judy noted one exception to this requirement, noting

political subdivisions may adopt legislation requiring employees to reside in the county in which they work or in an adjacent county. This legislation would establish this direction.

Councilman Miller questioned how this will affect the City's labor management and Judy responded this language is already included in the Police and Fire; adding this could be a bargaining point in the future.

This will return to Council's September 14, 2009 agenda for further consideration.

## **RESOLUTIONS**

(51-09) A RESOLUTION AUTHORIZING THE SUBMITTAL OF A PROPOSAL WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR GRANTS THROUGH THE US DOT FEDERAL TRANSIT ADMINISTRATION (FTA), AS AUTHORIZED UNDER THE AMERICAN RECOVERY & REINVESTMENT ACT OF 2009 AND THE FEDERAL TRANSIT LAWS, AS CODIFIED, 49 USC SECTION 5311, FINANCIAL ASSISTANCE FOR OTHER THAN URBANIZED AREAS AND EXECUTING A CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION

Asst. City Manager-Administrative Services Judy explained this resolution would authorize the City Manager to make application to the Ohio Dept. of Transportation for funding through the American Recovery and Reinvestment Act for Shelby Public Transit. Judy noted these funds have already been awarded the City but ODOT simply needs this legislation to complete their file.

It was moved by Councilman Mariano, seconded by Council member Milligan to adopt this resolution as presented. The roll call vote was unanimous and Resolution 51-09 was declared adopted.

## **MISCELLANEOUS**

### **Council Comments**

Council member Milligan commented she would not be participating in tonight's Executive Session because of a conflict of interest.

Councilman Mariano moved and Councilman Miller seconded a motion to excuse Councilman Pellman from tonight's meeting because of work commitments. The voice vote followed unanimously.

Councilman Miller questioned what the problem was with the recent tornado siren not being activated and Police Chief Gessler explained the process involved in activating such a warning and assured Council the problem has been remedied so this won't happen again. Miller also questioned the limbs down because of this storm and City Manager Stilwell commented the City has asked for assistance from residents in placing these limbs out at the street when possible; adding Countryside will be helping with this cleanup.

Mayor Barhorst indicated he had talked with Council candidate Mike Burns concerning when he would like to assume the position of Fourth Ward Councilman since he will be unopposed on the November ballot. Council agreed to have Burns “seated” as early as possible and City Clerk Fahnestock will work out the details with Burns.

### **Staff Comments**

Public Works Director Gosciewski gave Council an update on the Russell Road bridge project and questioned whether they would like to have a ribbon-cutting to celebrate its completion. Council agreed to schedule an official ribbon-cutting.

### **City Manager Comments**

City Manager Stilwell advised the lawsuit with Northbrook Mobile Home Park has been dismissed as agreement has been reached.

Stilwell also offered his congratulations to the Finance Department for their work in once again celebrating a successful CAFR report.

### **EXECUTIVE SESSION – Property Acquisition**

At 7:00 PM, Councilman Mariano moved and Council member McMillan seconded a motion to adjourn into Executive Session to discuss property acquisition. The roll call vote followed unanimously.

### **ADJOURNMENT**

At 8:12 PM with nothing further to come before Council, Councilman Mariano moved and Councilman Miller seconded a motion come out of Executive Session and adjourn. The voice vote was unanimous and the meeting was adjourned.

The meeting was held pursuant to Sidney City Council Rules.

Respectfully submitted,

M. Jocene Fahnestock  
City Clerk

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Mayor

**\* Clerk’s Note** - Upon further review following the August 10, 2009 meeting, it was verified the July 27, 2009 minutes were correct as submitted and no amendment was necessary.