

MINUTES OF THE REGULAR MEETING OF CITY COUNCIL

Held on Monday, February 23, 2009

6:30 P.M.

CALL TO ORDER

The regular meeting of Sidney City Council was called to order at 6:30 P.M. Monday, February 23, 2009, with Mayor Mike Barhorst presiding.

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, Steve Hamby, Frank Mariano, Katie McMillan, Tom Miller, and Mardie Milligan.

Also attending was: City Manager Steve Stilwell, Law Director Mike Smith, Police Captain Mike Lundy, Deputy Fire Chief Rick Simon, Parks Director Duane Gaier, Public Works Director Bill Gosciewski, Community Services Director Barbara Dulworth, Finance Officer Ginger Adams, and Utility Director Chris Clark.

APPROVAL OF MINUTES

Minutes of the February 9, 2009 Regular meeting of Council were presented for approval.

Councilman Miller moved, with Council member McMillan seconding a motion to accept the minutes as submitted. The roll call vote was unanimous and the minutes were approved.

CITIZEN COMMENTS

Sherry Pottorf was present and voiced concern that the City flag designed in 1967 by her husband, was no longer being displayed. She commented the flag was designed to represent the community and felt that was still true and the flag needed to be visible. Pottorf offered to provide a shadow box to display the flag in.

City Manager Stilwell assured Mrs. Pottorf the flag would be placed back on display in City Hall and thanked her for providing a shadow box. He noted during the recent remodeling of the Municipal Building several things had been removed from the walls and the flag simply had not been put back up.

PROCLAMATION – MRDD

Mayor Barhorst read a proclamation recognizing the month of March as Mental Retardation and Developmental Disabilities month and presented a copy to Robert Schmidt, Becky Milner and Melissa Dawson. Schmidt commented he is a member of People First and talked about how having a disability changes your life every day. He stressed how special People First group is

and how it has helped him manage his disability and show others you can still be productive and contribute to society even with a disability.

PUBLIC HEARING – CDBG

At 6:40 PM Mayor Barhorst opened a Public Hearing for the 2009 Community Development Block Grant Small Cities Program and Community Services Director Dulworth explained the various guidelines for this funding as well as various eligible projects. She noted this is the first required public hearing for this 2009 grant.

The Public Hearing was closed at 6:43 PM.

RESOLUTIONS

(9-09) A RESOLUTION AUTHORIZING THE CITY MANAGER TO PURSUE A NEIGHBORHOOD STABILIZATION PROGRAM GRANT

Community Services Director Dulworth explained this resolution would authorize the City Manager to provide commitment as a participating jurisdiction in Region 13 for the application of Neighborhood Stabilization Program funds. She noted the Ohio Dept. of Development will review grant applications and intend to complete grant agreements by April 1, 2009; with funds being obligated by June 30, 2010 and activities completed by March 31, 2013.

Council member Milligan then moved and Councilman Miller seconded a motion to adopt this resolution as presented. The roll call vote was unanimous and Resolution 9-09 was declared adopted.

(10-09) A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A JOINT COOPERATIVE AGREEMENT WITH MIAMI COUNTY, SHELBY COUNTY, CITY OF PIQUA, AND CITY OF TROY FOR THE REGIONAL NEIGHBORHOOD STABILIZATION PROGRAM

Community Services Director Dulworth explained this resolution would authorize the City Manager to sign a Joint Cooperative Agreement with the participating jurisdictions in Region 13 Neighborhood Stabilization Program.

Councilman Mariano questioned the length of time for this agreement and Law Director Smith noted this joint agreement is only in effect until the funds are fully expended.

Mayor Barhorst questioned whether any money returning will go back to the lead agency or to HUD and Dulworth noted this is not clear at this point.

Councilman Hamby commented he feels this legislation is overstepping the bounds of Federal Government; noting many are sending this funding back to the government. Hamby added we have the responsibility to seek out Federal money for programs but questions how this particular program can work.

It was moved by Councilman Mariano, seconded by Council member Milligan to adopt this resolution as presented. The roll call vote was as follows: Barhorst – yes, Hamby – no, Mariano – yes, McMillan – no, Miller – yes, and Milligan – yes. Resolution 10-09 was declared adopted by a 4-2 vote.

(11-09) A RESOLUTION ACCEPTING THE PLAT TITLED “CITY OF SIDNEY PLAT OF LOT 7049” (Bon Air)

Community Services Director Dulworth explained this resolution would replat two lots on the south-east side of Bon Air Drive (322 Bon Air Dr.), to create one new lot to provide approximately 115’ of street frontage as well as additional front yard depth.

Thomas Wolaver, 809 N. Linden questioned what this property will be used for and Dulworth explained it is a residence and this simply gives additional frontage to their property.

Council member McMillan moved and Councilman Hamby seconded a motion to adopt this resolution as presented. The roll call vote was unanimous and Resolution 11-09 was declared adopted.

(12-09) A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A DEVELOPMENT AGREEMENT REGARDING THE AMERICAN LEGION SUBDIVISION

City Manager Stilwell explained this resolution would authorize the City to sign a Development Agreement regarding American Legion Subdivision. He explained the various points of this agreement; noting the agreement includes a performance bond secured by a mortgage on the property and will adequately cover the costs of infrastructure extensions should the developer be unable to do so.

Council member Milligan questioned why this is being done and Stilwell responded American Legion is interested in selling the back one/half of their property and this agreement will protect the City to ensure the necessary infrastructure is completed. Milligan also questioned where the nearest park is to this property and was advised there is a park less than a half mile away.

It was moved by Councilman Mariano, seconded by Councilman Hamby to adopt this resolution as presented. The roll call vote was unanimous and Resolution 12-09 was declared adopted.

(13-09) A RESOLUTION ACCEPTING THE PLAT TITLED “THE AMERICAN LEGION SUBDIVISION PLAT”

Community Services Director Dulworth explained this resolution would give final plat approval of the American Legion Subdivision, including the extension of Sixth Avenue to the south approximately 307’ to the southern edge of the property with a right-of-way of 60’ to match existing conditions. She noted three lots will be created as part of this subdivision.

Mayor Barhorst questioned whether it is the intent of the developer to build homes in this area and Dulworth responded she doesn’t have this information at this time, but the area is zoned residential.

Councilman Miller moved and Councilman Mariano seconded a motion to adopt this resolution as presented. The roll call vote was unanimous and Resolution 13-09 was declared adopted.

MISCELLANEOUS

Discussion – Piper Park Design

Parks Director Gaier shared a power-point presentation with Council explaining future plans for development of a park area where the old Piper Building was located on Main Street. He noted NK Parts donated \$20,000 to develop this area, and will be building the benches, bike racks and fencing. He added the City will plant the trees, run the conduit and install the fencing.

Councilman Mariano questioned whether this development would be permanent or whether it can be removed in the future if a developer is interested in this property. Parks Director Gaier responded the park items could be moved to another location in the future if necessary.

Council member McMillan suggested possibly some businesses may be interested in donating some labor to this project and Gaier responded he would keep this in mind.

Discussion – Water Loss Report

Utility Director Clark next shared information concerning the City's water loss in the distribution system. He noted water loss is defined as un-metered water in the system that is lost due to leaks. Clark advised the City hired a Leak Detection Company in 2008 and 27 major main leaks were located. He shared the cost for the leak detection was \$15,000; resulting in an estimated water loss savings of \$139,000. Clark noted the City's water loss for 2008 was at 10%. The City utilizes this leak detection company every three years.

Councilman Hamby questioned whether there was any financial assistance for homeowners to repair such a leak and Clark responded the City helps locate the leak, but no monetary assistance is available for repairs.

Thomas Wolaver, 809 N. Linden questioned whether this water could contaminate any water used and Clark responded if the lines were not under pressure contaminated water could infiltrate.

City Manager Stilwell commented some Michigan communities have a water loss of 300-400%.

Council Comments

Councilman Mariano moved and Councilman Hamby seconded a motion to excuse Councilman Pellman from tonight's meeting due to work responsibilities. The roll call vote followed unanimously.

Mayor Barhorst voiced some frustration with traffic signals at a couple of locations (Wapakoneta/Russell and SR 47 at the I-75 interchange), and Public Works Director Gosciewski indicated he would check into this further.

Mayor Barhorst recognized the government students in attendance for tonight's meeting.

City Manager Comments

City Manager Stilwell reminded Council of the Wednesday luncheon meeting to meet with the consultant relative to locating the next Police Chief for the City of Sidney.

ADJOURNMENT

At 7:40 PM with nothing further to come before Council, Councilman Mariano moved and Councilman Miller seconded a motion to 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

Mayor