

MINUTES OF THE REGULAR MEETING OF CITY COUNCIL

Held on Monday, May 11, 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, May 11, 2009, with Mayor Mike Barhorst presiding.

Councilman Mariano 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, Mardie Milligan, and Terry Pellman.

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

APPROVAL OF MINUTES

Minutes of the April 27, 2009 Regular Meeting and May 4, 2009 Workshop Meeting were presented for approval.

Councilman Mariano 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.

PROCLAMATION – National Police Week/Police Officer’s Memorial Day

Mayor Barhorst read a proclamation declaring May 15, 2009 as Peace Officers’ Memorial Day and the week of May 10-16, 2009 as National Police Week and presented a copy of the proclamation to Acting Police Chief Lundy.

PRESENTATION – Police Officer of the Year

Acting Police Chief Lundy explained each May since 1996, the Sidney Police Department has selected an “Officer of the Year” in conjunction with Police week and announced Lieutenant William Balling was selected by his peers to receive this honor for 2009. Balling thanked the City for the opportunity to receive this award; noting he could not have received this without the support of his family and fellow officers.

ADOPTION OF ORDINANCES

(A-2602) AN ORDINANCE REPEALING CHAPTERS 705, 709, AND 733 AND AMENDING SECTION 701.15(f) OF THE CODIFIED ORDINANCES REGARDING BUSINESS REGULATION

Law Director Smith explained there are a number of sections of the Codified Ordinances that are obsolete or the subject matter is now regulated by the Ohio Revised Code. He reviewed these chapters, explaining why they are no longer needed in the City's Codified Ordinances. Smith also reviewed Section 701.15(f), noting some typographical errors this ordinance would amend.

It was moved by Councilman Mariano, seconded by Councilman Pellman to adopt this ordinance as presented. The roll call vote was unanimous and Ordinance A-2602 was declared adopted.

INTRODUCTION OF ORDINANCES

(A-2603) AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$670,000 OF NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS OF THE CITY OF SIDNEY, OHIO, FOR THE PURPOSE OF PAYING THE COST OF TESTING AND MONITORING OF AN IDENTIFIED AQUIFER AS A POSSIBLE NEW WATER SOURCE FOR THE CITY

Finance Officer Adams explained Ordinances A-2603 through A-2607 deal with the issuance of various purpose bond anticipation notes in the amount of \$1,570,000. She noted these new notes are effectively a "roll-over" of the BANs issued in June 2008. Adams commented this consolidation is done to achieve certain cost savings (reduces issuance costs) and a larger issuance typically attracts more bidders to the competitive process. She noted BANs are one-year notes issued in lieu of issuing long-term debt and these notes may be rolled over for up to 20 years. She reviewed each of the notes and the projects they represent.

This will be returned to Council's May 26, 2009 agenda for further consideration.

(A-2604) AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$670,000 OF NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS OF THE CITY OF SIDNEY, OHIO, FOR THE PURPOSE OF PAYING THE COST OF CONSTRUCTING SANITARY SEWER SYSTEM IMPROVEMENTS

This will also return to Council's May 26, 2009 agenda for further consideration.

(A-2605) AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$105,000 OF NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS OF THE CITY OF SIDNEY, OHIO, FOR THE PURPOSE OF PAYING THE COST OF CONSTRUCTING WATER SYSTEM IMPROVEMENTS ALONG KUTHER ROAD

This will return to Council's May 26, 2009 agenda for further consideration.

(A-2606) AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$125,000 OF NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS OF THE CITY OF SIDNEY, OHIO, FOR THE PURPOSE OF PAYING THE COST OF CONSTRUCTING SANITARY SEWER SYSTEM IMPROVEMENTS ALONG KUTHER ROAD

This will return to Council's May 26, 2009 agenda for further consideration.

(A-2607) AN ORDINANCE CONSOLIDATING FOUR BOND ANTICIPATION NOTES ISSUES OF THE CITY OF SIDNEY, OHIO

This will return to Council's May 26, 2009 agenda for further consideration.

(A-2608) AN ORDINANCE MAKING SUPPLEMENTAL APPROPRIATIONS FOR THE YEAR 2009

Finance Officer Adams explained this ordinance would reduce appropriations by \$4,204,552 for the 2009 budget year. She noted this ordinance comes as a result of the contingency planning efforts recently completed by staff. Adams reviewed the most significant items and amounts.

Mayor Barhorst commended each of the City departments for looking at their budgets and finding ways to cut expenses.

This will return to Council's May 26, 2009 agenda for further consideration.

(A-2609) AN ORDINANCE AMENDING SECTION 911.01(b) AND SECTION 915.05(a) OF THE CODIFIED ORDINANCES PERTAINING TO WATER RATES AND SEWER RATES

Finance Officer Adams explained typically utility rates are adjusted at the beginning of a calendar year; however during the 2009 appropriation budget discussions the decision was made to postpone changing utility rates until the results of the water source testing were known as well as the status of the water source project. Adams noted this ordinance would increase utility rates effective July 1, 2009 by approximately 5% for water and 1% for sewer. She pointed out this 5% water rate adjustment is necessary to continue to accumulate sufficient resources to fund the water source project. Adams advised after these proposed increases, Sidney's combined water and sewer rates will be 5th lowest of 63 locations and 13% less than Troy's and 34% less than Piqua's rates.

Rick Sims, 921 E. Parkwood, questioned what the average user would be paying with this increase and Adams responded a family of four would see an increase of \$1.11. Sims added he appreciates Council recognizing the present economy and delaying raising the water rate by the projected 28% needed for development of the water source project.

This will return to Council's May 26, 2009 agenda for further consideration.

PUBLIC HEARING AND INTRODUCTION OF ORDINANCES

(A-2610) AN ORDINANCE REZONING PORTIONS OF LOTS 68 AND 69 LOCATED AT THE INTERSECTION OF OHIO AVENUE AND SOUTH STREET FROM A B-1 LOCAL BUSINESS DISTRICT TO A B-5 COURT SQUARE BUSINESS DISTRICT

Mayor Barhorst opened the Public Hearing at 7:02 PM and Community Services Director Dulworth explained this ordinance would rezone several properties on South Ohio Avenue from B-1, Local Business District to B-5 Court Square Business District. She noted property at 232 S. Ohio and 302 S. Ohio would be included in this request.

The Public Hearing was closed at 7:08 PM. This will return to Council's May 26, 2009 agenda for further consideration.

(A-2611) AN ORDINANCE REZONING PARCEL 01-1821-151.003 LOCATED AT 1101 VANDEMARK ROAD FROM AN I-1 LIGHT INDUSTRIAL DISTRICT TO A B-2 COMMUNITY BUSINESS DISTRICT (Adrenaline)

Mayor Barhorst opened the Public Hearing at 7:09 PM and Community Services Director Dulworth explained this ordinance would rezone 3.214 acres of land located on the west side of VanDemark, south of Russell Road, from I-1, Light Industrial District to B-2, Community Business District.

The Public Hearing was closed at 7:12 PM. This too will return to Council's May 26, 2009 agenda for further consideration.

RESOLUTIONS

(31-09) A RESOLUTION SUSPENDING ENFORCEMENT OF SECTION 925.09 OF THE CODIFIED ORDINANCES AT CUSTENBORDER PARK ON JUNE 19, JUNE 20, AND JUNE 21, 2009

Parks and Recreation Director Gaier explained this resolution would extend the hours of play at Custenborder Fields for a Little League Baseball Tournament on June 19, 20, and 21, 2009. He noted these extended hours of play are requested as many of the participants would have traveled some distance, making possible rain dates inconvenient. Gaier stressed this request is for a one-time event and will not change the hours of activities permanently at Custenborder.

Councilman Mariano commented this is something City Council has approved for several years with no problems; adding "this is a good thing."

It was moved by Councilman Pellman, seconded by Councilman Mariano to adopt this resolution as presented. The roll call vote was unanimous and Resolution 31-09 was declared adopted.

(32-209) A RESOLUTION ACCEPTING THE PLAT TITLED "LOTS 7043 AND 7044" (Sidney Hospitality Replat)

Community Services Director Dulworth explained this resolution would replat eighteen lots located at 400 Folkerth Ave., to create two new lots. She noted the purpose is to split the site of the hotel and remove existing structures on proposed lot 7043. Dulworth reviewed each of the proposed changes to this area, noting an existing breezeway between the main hotel building and the north-west wing will need to be removed to comply with minimum 10' setback requirements. She also noted the existing pool will be removed.

Council member Milligan voiced concern with increased traffic for this area if another business is added and Dulworth commented while she recognizes issues at the intersection, a possible business is looking to develop north of this area, with access from Folkerth over to VanDemark; thus relieving some of the present traffic concerns.

Councilman Hamby questioned whether an original request would be approved submitted in this manner, and Dulworth responded "no."

Councilman Hamby then moved and Councilman Pellman seconded a motion to adopt this resolution as presented. The roll call vote was as follows: Barhorst – no, Hamby – yes, Mariano – yes, McMillan – yes, Milligan – yes, and Pellman – yes. Resolution 32-09 was declared adopted by a 5/1 vote.

(33-09) A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AMENDED COMMUNITY REINVESTMENT AREA AGREEMENT WITH FRIES INVESTMENT PROPERTIES OF SIDNEY, LTD.

Community Services Director Dulworth explained Fries Investments received a Community Reinvestment tax abatement in 2006 and this resolution would amend that agreement to extend the project time period through April 1, 2010.

Councilman Hamby commented he thinks construction done at this location to date is fantastic for the community and Councilman Mariano echoed these comments.

It was moved by Councilman Pellman, seconded by Councilman Hamby to adopt this resolution as presented. The roll call vote was unanimous and Resolution 33-09 was declared adopted.

(34-09) A RESOLUTION REAPPOINTING STEVE HAMBY, DENNIS MARTIN AND CHRIS GIBBS TO THE AIRPORT ADVISORY COMMITTEE

City Manager Stilwell explained this resolution would reappoint Steve Hamby, Dennis Martin and Chris Gibbs to new three-year terms on the Airport Advisory Board. These new terms would expire May 31, 2012.

Councilman Hamby moved and Council member McMillan seconded a motion to adopt this resolution as presented. The roll call vote was unanimous and Resolution 34-09 was declared adopted.

(35-09) A RESOLUTION AUTHORIZING THE EXECUTION OF PURCHASE ORDERS WITHOUT COMPETITIVE BIDDING (ARRA)

Utility Director Clark explained the City has been awarded \$10,000,000 for water projects funded under the American Recovery and Reinvestment Act; with 40% of this coming from grants and the remaining 60% as a zero percent interest loan for a 20-year term. He explained this resolution would authorize execution of purchase orders without competitive bidding for the engineering and design work for this project. Clark noted the City would negotiate design contracts with engineering firms the City previously has used for projects; adding this process of purchase orders without bidding is necessary in order to meet the mid-July deadline for submittal of Permit to Install Plans to the Ohio EPA.

Councilman Hamby commented while he understands this would bring jobs to the community, he feels accepting these ARRA funds is bad for our country. He added if stopping this process doesn't start on the local level, where will it start? Hamby added he would be voting "no" on this legislation.

Council member Milligan questioned how the City could "pick" these firms to do this design and engineering work without bidding, especially during this downturn in the economy.

City Manager Stilwell responded the City would be using firms they have had experience with in the past.

Council member McMillan questioned where the City currently stands with negotiating for property needed for this water source project and City Manager Stilwell responded while this concern isn't related to the legislation in question, all property owners have been advised the City has approval to move forward with property acquisition.

Councilman Pellman commented he supports use of these ARRA funds simply because to reject them would not save the taxpayers any money. Community Services Director noted if the City rejects these funds, the money simply goes to another community in Ohio.

Council member Milligan commented she feels these ARRA funds are monies from our community sent to the Federal Government which are not being sent back to Sidney for projects we already have planned.

Rick Sims, 921 E. Parkwood commented while he understands Councilman Hamby's concerns, he hopes his decision is not politically based; adding we need to put people to work as this project would.

It was then moved by Council member Milligan, seconded by Council member McMillan to adopt this resolution as presented. The roll call vote was as follows: Barhorst – yes, Hamby – no, Mariano – yes, McMillan – yes, Milligan – yes, and Pellman – yes. Resolution 35-09 was declared adopted by a 5/1 vote.

MISCELLANEOUS

Council Comments

Councilman Mariano thanked the two government students who arrived early for tonight's meeting and assisted with unlocking the building doors.

Council member McMillan congratulated Lt. Balling again for receiving the designation of Officer of the Year, adding he has a beautiful family and obviously is a good role model for his children.

Mayor Barhorst added while he appreciates Balling's comments about the support of his peers making his award possible, he must remember he received this recognition from his fellow officers.

Councilman Mariano moved and Council member Milligan seconded a motion to excuse Councilman Miller from tonight's meeting due to illness. The roll call vote followed unanimously.

Mayor Barhorst recognized the government students in attendance for tonight's meeting, and asked them to share their plans following upcoming graduation.

City Manager Comments

City Manager Stilwell reminded Council of the many activities planned for Memorial Day and urged them to participate where possible.

ADJOURNMENT

At 7:50 PM with nothing further to come before Council, Council member McMillan moved and Council member Milligan 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