

CITY COUNCIL MINUTES

FEBRUARY 11, 2010

The meeting was called to order by President Gore at 7:00 p.m.

MEMBERS PRESENT: Mr. Taylor, Ms. Richardson, Mr. Fogt, Mr. Gore, Ms. Groat, Mr. Reams, Mr. Berbee

OTHERS PRESENT: Mayor Schmenk, Director of Administration Froment, Director of Finance Morehart, City Engineer Klingman, City Planner DeLong, Law Director Aslaner, Clerk Patterson

REPORTERS PRESENT: Ryan Horns – Journal Tribune, Lin Rice – ThisWeek

CITIZENS PRESENT: Scott Failor, Jeff Groat, John Phipps, Crista Miller, Marianne Berbee, Gary Lee, Kathy Young, Eric Phillips

APPROVAL OF MINUTES: There being no additions or corrections, the minutes for the Special City Council Meeting on January 20, 2010 were approved as written.

There being no additions or corrections, the minutes for the Council Meeting on January 28, 2010 were approved as written.

ADMINISTRATIVE REPORT: Ms. Froment reported the following:

- Tier II Grant – This grant money goes towards redeveloping the Uptown area. Want to get businesses involved by providing a match for façade improvements that they may be doing or other code work, such as HVAC work. During the past year, it's been a struggle getting involvement mostly due to the economic downturn. People don't have the money to invest in their businesses. City Planner DeLong, City Engineer Klingman and Eric Phillips have been working with individuals from MORPC to come up with something that would help Uptown businesses benefit from this money. City reached out to area business owners and Steve Bell, who works with many of the business owners. Everyone brainstormed on ways to possibly revamp this program in order to make it more attractive. Originally this program provided for a 50/50 match up to \$10,000. Mr. DeLong and his group worked with the Ohio Department of Development to consider

proposed amendments that were just approved this week, to change the structure of this grant to provide a 60/40 match up to \$25,000. Ms. Froment said that change is going to be made, and anyone who has already been approved through the program will receive the amended amounts. This will hopefully encourage additional participation.

- The City was recently notified that they will receive another Safe-Routes-for-Kids Grant. This is the third year the City has received this grant. It's not only the City, but part of the Safe Kids Committee that's led and coordinated through the Union County Health Department, as part of the Safe Routes to School Committee. City Staff from Engineering, Police and Street Department actively participate, as do representatives from the Marysville School and other community at-large members. This year's award will be for the placement of radar speed signs in the school zones at Northwoods and Mill Valley Elementary schools. The grant will purchase the equipment, and the City will coordinate installation of the equipment. This grant will also allow the City to apply for many grants that can be used for educational activities through the Health Department. Also, this group is laying the ground work by actually putting together a Safe- Routes Plan that will allow us to apply for even larger grants for this area. In the past, money received has allowed for the installation of sidewalks. The Health Department receives all the money for the material and then the City puts forth the staff time.
- Staff has been working with DP&L for LED lighting. City has been installing LED lights in traffic signals at various intersections around town. It was believed that these lights would reduce the amount of our bills significantly. However, staff learned that City lights were not metered, so we've been paying a flat rate for those particular areas. Director of Public Service, John Mitchell, and his staff put meters on the majority of the lights and even though staff was only able to do that in recent months, we were able to show the average earnings over those months. Bill Kelley of DP&L worked with staff to credit the City for back to the time when those lights were actually installed. City is receiving a \$7,000 credit on the next bill. There are a couple yet to be finalized, and once finalized, City should receive another \$2/3,000 in credit. Ms. Froment thanked Mr. Mitchell and Mr. Kelley for their work on this project.

Mayor Schmenk thanked everyone who pitched in to help with snow removal. It was a team effort, not only of City employees who did a great job and put in

long hours, but many, many volunteers, including several members of City Council, several staff people and people who did it just because they care about the City. She feels this is an unusual situation as is shown by all the media coverage. “I think this is an unusual exhibit of team work between volunteers and city employees, and I think it’s just a great example of how our community works together.”

Mayor Schmenk asked for the media’s help on getting the word out to residents to pitch in and try to shovel sidewalks. Some kids had to walk to school today on the streets and that’s not a safe thing at all. There is a City ordinance that encourages residents to shovel their sidewalk.

Mr. Gore noted there are quite a few tunnels that have been dug by kids and some are out near the street. “When you see a tunnel, you pray to God that there is nobody in it, but you really don’t know.” He encouraged kids that if you’re going to make a tunnel, do it in the back yard. He said it was kind of scary while he was plowing, coming upon a tunnel knowing he was pushing snow that way. He asked parents to keep an eye on the situation and build a tunnel in the back where there is no snow plow.

Ms. Froment said everyone should be cautious and think safety and think about getting the kids back away from the street. The high drifts are inviting to kids as a small sled hill. If kids want to sled, take them to a park.

Ms. Froment noted an article is scheduled to print in tomorrow’s Journal Tribune focusing on winter safety. She reminded everyone of the water areas in the parks and the new reservoir. They are incredibly dangerous. There is never a safe time to be on the ice in those areas. The reservoir will look very appealing to some people, but that is a body of water that has constant movement in it, due to the pumps, so that ice is never going to be safe. More importantly, people are really being drawn to the reservoir for a sledding hill. It’s posted as no sledding. The concern is not for the kids sledding down the side of the hill outside of the reservoir; the concern is for the kids at the top possibly slipping and falling down into the water. The water level is now at 15’ and is ice cold. Anticipated water level when full is 40’.

Ms. Froment echoed the Mayor’s sentiments about the teamwork that’s been done. However, she shared from her own viewpoint, that she’s starting to feel embarrassed about the media attention. She said, “All of us and the managers, we didn’t do this for media attention. We did this for the staff that we knew

didn't get the resources this year that they needed to get the job done. And it was not about the citizens. I'd like to tell you it was, but it was about the staff and helping them get the job done." She told everyone the "Real Story" as follows:

- the street crews who kept the main thoroughfares clean and utilized their expertise to make the roads safe.*
- the fire fighters who responded to 55 emergency calls, including 6 fire related calls, 43 EMS calls and 6 motor vehicle accidents.*
- the crews who are using trucks that are so old the men have to stop plowing just to fix the trucks.*
- the police officers that responded to 64 weather related calls in 3 days, including 41 vehicle crashes.*
- the water division staff that voluntarily changed their hours this week to cover more of the evening shift and assist with snow removal.*
- the street division staff that voluntarily changed their work hours for two months to cover the nights in January and February.*
- the mechanic who came in on his day off to repair snow plows.*
- the managers and administrative assistants that fielded calls and emails from concerned and frustrated residents, the whole time keeping a positive and customer friendly attitude.*
- the resident who brought hot coffee to a plow driver stuck in the snow and waiting for assistance.*
- the police officers that mediated disputes between neighbors regarding snow removal, fighting over whose snow was going to get moved.*
- the fire fighters that utilized the 4 wheel drive grass fighter truck to respond with the medic to impassable areas to ensure emergency care made it to residents in need.*
- the administrative assistant who remained polite as a resident cursed at her because his street wasn't plowed to his satisfaction.*
- the city staff who arranged for child care and braved the roads in Level 1 and Level 2 snow emergencies to report to work and keep the city open and operating.*
- the plow driver that helped a woman stuck in the snow at Legion Park who was walking down the street very upset. He got her in the truck to warm up and plowed out her car.*
- the residents who recognized the city's efforts to clear the streets and continued to clear their driveways even as we plowed snow that inevitably ended back in their driveways.*
- the police dispatchers who handled large call volumes as weather related incidents around the community continued to occur.*

-the fire division staff that utilized the 4 wheel drive grass fighter truck to pull out a couple of our snow plows that became stuck.

-the city staff who treated this challenge just as they do any day at the city...with dignity, respect for the public and extraordinary team work."

Ms. Froment said, "This is the story and we need your help in telling everybody this story. It's nice to talk about what we did. We didn't do anything compared to these people."

Mayor Schmenk asked for Council's consideration for a new appointment to the Planning Commission. Scott Failor is the candidate. He holds a Bachelor of Science degree in Public Administration and a Law Degree. He's an attorney for Nationwide Insurance in Columbus. He has a long history of volunteer, civic duty. He has served as a volunteer mediator for both the Franklin County Small Claims Court on Civil cases and the Columbus City Prosecutor's office. He and his family moved to Marysville in 2005 because they wanted their three children to be part of Marysville's strong educational and community programs. Mr. Failor has volunteered for Habitat for Humanity and school fundraising programs. He's been a volunteer coach for Youth softball, baseball and soccer and he volunteers with his church on various activities. He has past experience serving on an Architectural Board. Mr. Failor brings strong skills, lots of care and concern and an interest for our community.

Mr. Failor addressed Council. He feels his background and current experiences would help him serve well in the Planning Commission role. He's very interested in the planned development that he thinks will be coming to Marysville as the economy rebounds and is interested in those issues that are before the Commission.

Ms. Froment asked for an Executive Session to discuss the employment and compensation of a public official.

On behalf of the Finance Committee, Ms. Froment gave an overview of the discussion regarding payment of the street paving notes, notes that have been taken in the past in order to pave streets. When those notes were first taken on, there was a commitment from Council and Administration for an aggressive paydown of those notes, and that commitment has been upheld over the last several years. City is at a point now where it has \$1.2M outstanding from the original \$4M that was borrowed (\$1.2M in principal). This year, as part of the budget, staff submitted to Council a plan that would include an additional paydown this year of \$600,000, which would leave \$600,000 in outstanding principal. When that plan was put

forward, it was in the middle of the fall, and as we've moved into this year, we were able to look at how we ended last year in our budget compared to previous years. Some highlights: Between 2009, what was budgeted and what was actually seen, we were down \$1M in revenue. We were able to cut our expenses by \$1M to match that, but ended our year with a cash reserve of approximately \$3.8M. City has made a commitment in order to preserve our interest rates so that we don't have higher interest rates and have other loans called due. City is committed to preserving a cash balance of \$3.5M, so we currently have a \$300,000 margin between what we have in the bank and what we have to have in the bank. We're entering into this year with a flat budget, and we hope that at the end of this year we will continue to see that same \$3.8M balance. However, should the City face any emergencies, unforeseen or otherwise, whether we would lose an additional fire truck or have some crisis in which we would need to authorize overtime or other unexpected expenses, we have only \$300,000 in which to have "wiggle room". Also, if we begin to see our revenues trend down, we will only have a short amount of time to be able to correct that trending before we eat into that \$300,000 substantially. With that in mind, we were discussing the financial situation we were in with Mr. Andy Brossart, our financial advisor from 5/3 on our investments. He indicated that because we had been so aggressive in past years in making payments on the principal of the street paving notes, normally that type of investment could be financed over 20 years. We were aggressively looking at a paydown in 5 years. We have substantially paid ahead on our principal. We are in a position that we could go several years at this time not making any payment on principal and not earning a penalty. We would still have to pay interest each year on that principal, but not pay a penalty. Staff went before the Finance Committee yesterday because in good conscience, they didn't feel that they could not bring forth an alternative of potentially lowering the principal payments this year, for the soul reason that we know next year if we are unable to be successful in our ballot initiative, we will be facing another million dollar cut just in our operating expenses, and in good faith, we cannot continue to operate this city without putting some money back into vehicle replacement program and a capital investment program, including paving streets. She is estimating that it would be a minimum of a half million dollars, so we're looking at \$1.5 million we would have to cut next year to be able to operate the City. With that said, they have some concerns about working at such a small margin of \$300,000. Staff took forth to the Finance Committee multiple options ranging from going ahead with our full payment this year and simply hoping for the best and trying to manage our money day-to-day in hopes there are no unusual activities that take us back below that \$300,000 margin, to the furthest extreme of making no principal payment and only pay the interest and hold on to that \$600,000. Financial background information was discussed

with the Finance Committee. All three members were unanimous in that recommendation, that we reach a middle ground. We make a good faith payment of \$200,000, which \$4M over 20 years would have been \$200,000 a year. So, we make a good faith payment of \$200,000, pay the interest, which is \$33,000, and hold back the additional \$400,000. Staff remains committed to aggressive paydown, but we need to do it realistically and take into account where we're at, but know that the minute we're able to aggressively pay these off, that is what we think needs to happen.

Mr. Taylor confirmed everything that Ms. Froment just said is exactly what was covered at the Finance Committee meeting. All three members of the Finance Committee agreed this was the best option and hopes the rest of Council is supportive as well.

Ms. Froment said the legislation in place is sufficient. The language was "up to" so we have the flexibility to do less than \$600,000. The decision is needed by February 17th.

Mr. Gore added this is an operational issue and is something that the Mayor/Administration basically uses their best judgment on and can go forward with that anyway. However, staff asked for input from the Finance Committee and the compromise was for \$200,000.

Mr. Fogt asked if the budget needed to be amended. Ms. Froment said no. It gave staff the appropriation authority, but nothing in the budget requires them to actually utilize it.

Ms. Froment noted some proposed amendments to the Comprehensive Plan that's in front of Council this evening. These amendments clarify the introduction so that people who didn't want to read the whole report, would quickly grasp what it was about and where they could find some items. The last three items were brought to staff attention by Mr. Steve Stolte. Ms. Froment asked Council to consider these amendments when discussing the legislation.

REPORT OF CLERK OF COUNCIL: No report.

REPORT OF ECONOMIC DEVELOPMENT DIRECTOR: Mr. Phillips noted the Chamber Annual Dinner will be held on March 6th at the Armory. Council is invited.

The Young Professionals met on January 26th. Thirty people attended.

Tomorrow, Feb. 12th, there will be a meeting with the business owners and property owners in the uptown area to promote and announce the Tier II Program changes. Eighteen property and business owners are signed up to attend.

Regarding the Census, the Complete Count Committee met a week ago. Twenty community leaders attended. A lot of marketing has been done. City Planner DeLong has helped with this process. Resolutions are coming in from townships in support of the Census. The City, County, Richwood and Chamber Board passed a resolution as well. Census forms will be mailed on March 15th, and are due back by April 1. It's very important to be counted.

There will be an event on the Courthouse lawn on April 1st at 10:30 a.m. A thermometer will be unveiled that will show the percentage of Union County residents that have returned their Census forms. The goal is to have a least 80%. If you don't return your form, you will have someone knocking on your door to try to get you to return your form.

HEARING OF CITIZENS: No report.

Ms. Groat moved to confirm the appointment of Scott Failor to the Planning Commission, term expiring March 31, 2014. Affirmative voice vote was unanimous.

RESOLUTIONS

The resolution "AUTHORIZING THE EXECUTION OF THE HOUSING REVOLVING LOAN FUND ADMINISTRATION AGREEMENT WITH THE OHIO DEPARTMENT OF DEVELOPMENT" was presented for third reading, title only. Mr. Taylor moved to pass the legislation and the question put, stood:

Mr. Taylor YES Ms. Richardson YES Mr. Fogt YES Mr. Gore YES Ms. Groat YES Mr. Reams YES Mr. Berbee YES

Resolution 2-10 passed.

The resolution "TO AUTHORIZE AN INSURANCE CLAIM PAYMENT UNDER THE MORAL OBLIGATION CLAUSE IN THE CITY'S INSURANCE

POLICY” was presented for third reading, title only. Mr. Fogt moved to pass the legislation and the question put, stood:

Ms. Richardson YES Mr. Fogt YES Mr. Gore YES Ms. Groat YES Mr. Reams YES Mr. Berbee YES Mr. Taylor YES

Resolution 3-10 passed.

“A RESOLUTION ADOPTING THE CITY OF MARYSVILLE COMPREHENSIVE PLAN AS A PLANNING GUIDE FOR THE CITY OF MARYSVILLE, UNION COUNTY, OHIO” was presented for first reading, title only. Ms. Froment suggested additional amendments to the Plan as follows:

1. Title Page: Under the words Comprehensive Plan – add: *For Land Use*
2. Page 1: First sentence – add: *regarding land use* in the third line after the word “needs”.
3. Page 1: Second sentence – add: *to achieve desired land uses and development characteristics* in the last line after the word “efforts”.
4. Page 1: Third bullet – add to the end of the statement: *and which are detailed in Chapter 3 of this Plan*
5. Page 1: Add bullet: *The Plan must achieve the City’s existing Vision Statement (see Chapter 3)*
6. Page 46: Add to the “Is” column: *Churches/Religious Uses*
7. Page 46: Add to the “Could Be” column: *Historic District*
8. Page 126: #7 Future Development in Floodplain Areas – Change the third sentence to read: *Any future development plans that include areas located within the floodplain must be carefully evaluated to address any potential environmental concerns and to ensure compliance with floodplain regulations.*

Ms. Groat moved to accept the amendments and the question put, stood:

Mr. Fogt YES Mr. Gore YES Ms. Groat YES Mr. Reams YES Mr. Berbee YES Mr. Taylor YES Ms. Richardson YES

Motion passed.

Mr. Gore asked if this Plan is a living document and that any time there is a need to address or update it, there is flexibility to do that. Mayor Schmenk said, “That’s correct.”

Ms. Richardson moved to accept the Comprehensive Plan as presented to City Council and the question put, stood:

Mr. Gore YES Ms. Groat YES Mr. Reams YES Mr. Berbee YES Mr. Taylor YES Ms. Richardson YES Mr. Fogt YES

Resolution 4-10 passed.

“A RESOLUTION ADOPTING THE CITY OF MARYSVILLE PARKS AND RECREATION MASTER PLAN AS A PLANNING GUIDE FOR THE PARKS AND RECREATION SYSTEM OF THE CITY OF MARYSVILLE, UNION COUNTY, OHIO” was presented for first reading, title only. Mr. Fogt commented that he appreciated all the time and effort that was put into this Plan. There are some things he does not agree with and he feels we’re wasting our time. Our budget is very concise at this time. We don’t have any extra dollars. He’s not very happy with the Plan. He’s not satisfied with the Action Items. “I love the parks and all that; I don’t want to commit ourselves at this point in time to some of these items.”

Mr. Gore asked if this Plan was a living document that could be adjusted and addressed as we go through the process. In some areas, resources are very critical, and if those resources aren’t available, we can’t follow through with some of the items. Ms. Froment said yes, it is a living document. She pointed out that in the Introduction, Page 37, it does indicate that limited resources may require adjustments to the timeline and/or other modifications to the Action Plan may be needed as the city pursues the action steps. This was discussed at length both with the Plan Committee and the Parks & Rec Commission. Staff hopes to empower the Parks & Rec Commission to work with staff over the next years to make adjustments where appropriate in the Plan. If we don’t have the funding, we can’t do some things. The group felt it was important to have a Plan, something they could work on as funds or resources become available. There are some items that don’t require money or funding, but just require work on non-tangibles.

Mr. Reams commented that he appreciates all the work that was done to put this Plan forward. Even in the cases where we may not have the funding to pursue some of these, it helps the City prioritize. Also, if we want to go forward and address the needs, even with these challenges, we have to have a road map to help us get there. This is giving us a lot of input and recommendations so that we can move forward and make some progress. He noted that we’ve got parks that we

started 15 years ago that still aren't complete. It bothers him that people have moved in, their kids have grown up and we still didn't finish the park in their neighborhood. Without a plan, we may not finish it before their kids have moved out of the house. This is an important step to take.

Mr. Gore agreed. It gives us a checklist to refer back to just to see where we are.

Mr. Taylor moved to pass the legislation and the question put, stood:

Ms. Groat YES Mr. Reams YES Mr. Berbee YES Mr. Taylor YES Ms. Richardson YES Mr. Fogt NO Mr. Gore YES

Resolution 5-10 passed.

“A RESOLUTION BY THE COUNCIL OF THE CITY OF MARYSVILLE, OHIO OPPOSING THE SALE OF BEER AT THE UNION COUNTY FAIR” was presented for first reading, title only. At one time, Mr. Taylor said he was involved as an agricultural education instructor with the fair and then served for 17 years as a Fair Board Member. He has a major problem with feeling that the best way to increase revenue at the fair is by selling beer. We need to send the message to our Fair Board Members that we think they are making the wrong decision in how to raise money. I understand it's a time where they need to raise money for operations, but consciously he cannot support it.

Mr. Taylor asked Mr. Aslaner if Council has to sign off on their request for a temporary liquor permit. If so, he feels it should be so stated in the legislation.

Mr. Gore asked if Council would be given to a chance to go on record as objecting to the issuance of that license to the Fair, temporary or not.

Mr. Taylor said it's the wrong message to all the children and young adults involved.

Mr. Reams said growing up, he was involved in 4-H and he knows how important the fair is. He doesn't think that selling beer is necessary at a fair. This issue was before Council two years ago. The times and situations from two years ago are a little different this time. The decisions that were made were above board. They talked to the Commissioners and their budget was cut by several thousand dollars. We're already facing a summer where we're questioning whether the pool can open. Not just for the kids in 4-H, but for the entire community, it's important that

we have this fair, and “in good faith, I have a very difficult time if I haven’t gone out and identified an option where I’ve identified the funds and presented this option to the Fair Board and they’ve turned it down, then I would say you know then that’s fair to say that I oppose the sale of beer, but they’re doing everything they can to bring this fair to the city, and if we haven’t identified an option for them to bring that forward, I think we’re just piling on.”

Mr. Aslaner will look into the process for the liquor permit.

Mr. Taylor moved to pass the legislation and the question put, stood:

Mr. Reams NO Mr. Berbee YES Mr. Taylor YES Mr. Richardson NO Mr. Fogt YES Mr. Gore YES Ms. Groat YES

Resolution 6-10 passed.

“RESOLUTION AUTHORIZING THE MAYOR TO COOPERATE AND ALLOW THE OHIO DEPARTMENT OF TRANSPORTATION TO RESURFACE WEST SIDE OF THE US-33/36 INTERCHANGE TO 0.10 MILES EAST OF MILL CREEK DRIVE” was presented for first reading, title only. This resolution is financial in nature, so three readings are required. Ms. Klingman explained that this is part of the ODOT Urban Paving Program. This requires the city to have a 20% match for the portion of 36 that ODOT is going to pave, which is in the city limits, that was already within their program. They’re estimating that cost to be approximately \$36,000, which would be the City’s 20% of the overall cost of this project. Other requirements include in-kind services of our street crew. Have talked with Mr. Tracey, Street Supt., and they are all things that are well within our means to accomplish, such as curb ramps, etc.

“RESOLUTION AUTHORIZING THE MAYOR TO COOPERATE AND ALLOW THE OHIO DEPARTMENT OF TRANSPORTATION TO REPLACE DECK AND APPROACH SLABS ON THE SR-4 BRIDGE OVER US-33, REPLACE BACKWALLS DOWN TO BEAMS SEAT, PATCH PIERS AND ABUTMENTS AND SEAL CONCRETE SURFACES” was presented for first reading, title only. This resolution is financial in nature, so three readings are required. Ms. Klingman explained that this is the Rt. 4 bridge by K-mart. ODOT will be replacing the top of the structure. As part of this project, ODOT has also offered to provide some aesthetics to this structure. Staff met with ODOT today to discuss those. Currently looking at putting something similar to the City of Marysville in the actual parapet on the side of the bridge that would announce that

you are within the City of Marysville. They're not sure if a logo can be incorporated. They have to wait and determine what type of abutments they're going to do to the structure as to whether or not they can put at least the M part of our new logo on the approaches to the bridge. They will also paint the facing beam on either side. Color is yet to be determined. Most of these things will be provided at no cost to the City because they are all things that are minimal or no cost to ODOT as part of their process. Also, sidewalks will be added to this bridge. City was told as long as the adding of those sidewalks does not require them to add a beam to the outside of the structure, they would do it at no cost to the city. This project is scheduled to go to construction in the summer of 2012. The only piece they're looking at right now for possible reimbursement from the City would be if we desire to have lighting. Staff has asked them to look at costs to put the conduits and the appropriate concrete structures on the bridge to provide for lighting, but to not provide the actual lighting. As long as the conduits are in the structure, lighting could be added ten years from now if City so desires.

Mr. Berbee asked if the bridge would be closed entirely and do the work in a short period of time, or keep one lane open while working. Ms. Klingman didn't know, but typically it depends on the types of beams as to whether or not they can do a part with construction. She guessed that these are probably steel beams and if that's the case, they would most likely maintain traffic on one side of the bridge as they're doing the redecking. ODOT will keep the city in the review process.

Mr. Fogt asked if the soil/ground at each end of the bridge is okay? He noted the City had an issue about 6-8 years ago where ODOT had to do some work in that area. Ms. Klingman said ODOT has not mentioned any problems with the approach slabs. This project doesn't involve that; it's just the actual bridge itself. This project does not include any sidewalks off of the structure. That would be the responsibility of the City to do at some point. ODOT will put a 6' sidewalk on each side of the bridge.

ORDINANCES

The ordinance "TO AMEND CHAPTER 1100 – SUBDIVISION AND ZONING FEES OF THE CITY OF MARYSVILLE PLANNING AND ZONING CODE" was presented for third reading, title only. Ms. Froment commented that Planning Commission reviewed these fee changes at the February 1st meeting and voted to recommend the legislation as written. Mr. Fogt moved to pass the legislation and the question put, stood:

Mr. Berbee YES Mr. Taylor YES Ms. Richardson YES Mr. Fogt YES Mr. Gore YES Ms. Groat YES Mr. Reams YES

Ordinance 4-10 passed.

The ordinance “TO AMEND CHAPTER 937 STORMWATER MANAGEMENT OF THE CODIFIED ORDINANCES OF THE CITY OF MARYSVILLE” was presented for third reading, title only. Mr. Fogt moved to pass the legislation and the question put, stood:

Mr. Taylor YES Ms. Richardson YES Mr. Fogt YES Mr. Gore YES Ms. Groat YES Mr. Reams YES Mr. Berbee YES

Ordinance 5-10 passed.

The ordinance “TO AMEND CHAPTER 938 EROSION AND SEDIMENT CONTROL, OF THE CODIFIED ORDINANCES OF THE CITY OF MARYSVILLE” was presented for third reading, title only. Ms. Richardson moved to pass the legislation and the question put, stood:

Ms. Richardson YES Mr. Fogt YES Mr. Gore YES Ms. Groat YES Mr. Reams YES Mr. Berbee YES Mr. Taylor YES

Ordinance 6-10 passed.

The ordinance “ESTABLISH CHAPTER 939, ILLICIT DISCHARGE AND CONNECTION, OF THE CODIFIED ORDINANCES OF THE CITY OF MARYSVILLE” was presented for third reading, title only. Mr. Fogt moved to pass the legislation and the question put, stood:

Mr. Fogt YES Mr. Gore YES Ms. Groat YES Mr. Reams YES Mr. Berbee YES Mr. Taylor YES Ms. Richardson YES

Ordinance 7-10 passed.

The ordinance “TO APPROPRIATE \$12,626 FROM UNAPPROPRIATED GENERAL FUNDS FOR THE PURPOSE OF TRANSFER INTO THE CDBG FORMULA GRANT FUND, TO AUTHORIZE THE TRANSFER OF \$12,626 TO THE CDBG FORMULA GRANT FUND, TO ESTABLISH ANTICIPATED GRANT RESOURCES OF \$44,600 IN THE CDBG FORMULA GRANT FUND,

TO APPROPRIATE \$57,226 FROM UNAPPROPRIATED CDBG FORMULA GRANT FUNDS FOR EXPENDITURES ASSOCIATED WITH THE 2008 CDBG FORMULA GRANT, AND TO MODIFY THE ANNUAL OPERATING BUDGET AS A RESULT OF THESE ACTIONS” was presented for third reading, title only. Mr. Reams moved to pass the legislation and the question put, stood:

Mr. Gore YES Ms. Groat YES Mr. Reams YES Mr. Berbee YES Mr. Taylor YES Ms. Richardson YES Mr. Fogt YES

Ordinance 8-10 passed.

"AN ORDINANCE ESTABLISHING ESTIMATED GRANT RECEIPTS OF \$720,000 IN THE CHERRY STREET/NINTH STREET WATERLINE PROJECT FUND (FUND 55), APPROPRIATING \$190,000 OF UNENCUMBERED WATER REPLACEMENT AND IMPROVEMENT FUNDS (FUND 51) FOR THE PURPOSE OF TRANSFER TO THE CHERRY STREET/NINTH STREET WATERLINE PROJECT FUND, AUTHORIZING THE TRANSFER OF \$190,000 FROM THE WATER REPLACEMENT AND IMPROVEMENT FUND TO THE CHERRY STREET/NINTH STREET WATERLINE PROJECT FUND, AND ESTABLISHING APPROPRIATIONS IN THE AMOUNT OF \$910,000 FOR THE OHIO PUBLIC WORKS COMMISSION (OPWC) GRANT PROJECT ENTITLED CHERRY STREET/NINTH STREET WATERLINE PROJECT AND MODIFYING THE ANNUAL OPERATING BUDGET AS A RESULT OF THIS ACTION" was presented for third reading, title only. Mr. Fogt moved to pass the legislation and the question put, stood:

Ms. Groat YES Mr. Reams YES Mr. Berbee YES Mr. Taylor YES Ms. Richardson YES Mr. Fogt YES Mr. Gore YES

Ordinance 9-10 passed.

“AN ORDINANCE TO APPROVE, ADOPT AND ENACT THE 2009 REPLACEMENT PAGES TO THE CODIFIED ORDINANCES; TO REPEAL ORDINANCES IN CONFLICT THEREWITH; TO PUBLISH THE ENACTMENT OF NEW MATTER; AND DECLARING AN EMERGENCY” was presented for second reading, public hearing. Ms. Richardson moved to waive the reading in full; affirmative voice vote was unanimous.

The ordinance “TO AMEND CHAPTER 110 – SWIMMING LESSONS AND SWIM TEAM FEES OF THE CODIFIED ORDINANCES OF THE CITY OF MARYSVILLE FOR THE MUNICIPAL SWIMMING POOL” was presented for second reading, public hearing. Mr. Fogt moved to waive the reading in full; affirmative voice vote was unanimous.

The ordinance “AUTHORIZING THE ISSUANCE OF NOTES IN THE AMOUNT OF NOT TO EXCEED \$24,750,000 IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF (I) PAYING COSTS ASSOCIATED WITH THE ACQUISITION, CONSTRUCTION, EXPANSION, REHABILITATION AND IMPROVEMENT OF THE CITY’S MUNICIPAL WASTEWATER COLLECTION AND TREATMENT SYSTEM; AND (II) PAYING COSTS ASSOCIATED WITH THE DESIGNING AND ENGINEERING OF THE SOUTHWEST TRUNK SEWER AND JOB READY SITE LOCATION, WITH RELATED SITE IMPROVEMENTS AND APPURTENANCES THERETO, AND RETIRING NOTES PREVIOUSLY ISSUED FOR SUCH PURPOSE; AND AUTHORIZING USE OF AN OFFICIAL STATEMENT RELATING TO THE SALE OF THE NOTES, IF NECESSARY” was presented for second reading, public hearing. Mr. Fogt moved to waive the reading in full; affirmative voice vote was unanimous.

The ordinance “AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$24,750,000 OF GENERAL OBLIGATION – LIMITED TAX BONDS FOR THE PURPOSE OF (I) PAYING COSTS ASSOCIATED WITH THE ACQUISITION, CONSTRUCTION, EXPANSION, REHABILITATION, AND IMPROVEMENT OF THE CITY’S MUNICIPAL WASTEWATER COLLECTION AND TREATMENT SYSTEM; AND (II) PAYING COSTS ASSOCIATED WITH THE DESIGNING AND ENGINEERING OF THE SOUTHWEST TRUNK SEWER AND JOB READY SITE LOCATION, WITH RELATED SITE IMPROVEMENTS AND APPURTENANCES THERETO, AND RETIRING NOTES PREVIOUSLY ISSUED FOR SUCH PURPOSE; AUTHORIZING A BOND PURCHASE AGREEMENT APPROPRIATE FOR THE SALE OF THE BONDS; AUTHORIZING THE USE AND DELIVERY OF AN OFFICIAL STATEMENT RELATING TO THE BONDS AND AUTHORIZING THE PURCHASE OF A MUNICIPAL BOND INSURANCE POLICY, IF DESIRED, IN CONNECTION THEREWITH” was presented for first reading, title only. Ms. Froment explained that this legislation is very similar to the one just read. The one just before this was in relation to notes and this one is in relation to bonds. This issue was brought before Finance Committee yesterday. When you borrow money for a large construction process, initially you hold that borrowing in notes. They

are more flexible; they have typically lower interest rates and they typically allow you to pay them down aggressively. They mature each year so there is no penalty in early paydown. It used to be restricted for a very limited period of time of two years. It was then extended to five years that you could hold your debt in notes and now it's allowed indefinitely, however, the time period that it's held in notes counts against the full time period that you can borrow against. In this case, the Water Reclamation Facility, the City could borrow for 40 years, so if we were to hold the partial amount of that debt for ten years in notes, we would only have 30 years left in bonds. You couldn't go over to a 40-year bond.

City relies on Mr. Andy Brossart of 5/3 and our Bond Counsel at Bricker & Eckler to constantly watch the markets and advise us on how to invest. Initially the thought was that City should continue with notes because notes right now provide us a lower interest rate, but they also allow us to make aggressive paydown.

The Sewer Fund has not performed as expected, primarily due to limited development in the last year. Things that we assumed would come on-line, have not done so. Also, one of our major users have been down in production. They represent 20% of our use and they were down almost 25%. City does have some question as to whether we're able to aggressively pay this down at this point and when we would be able to aggressively pay this down. Even though Jerome Village, Hall's Corner and the Job Ready Site will come on line, we won't see those tap fees in the next year. It could be 5-10 years before we realize their full potential.

Normally would keep some flexibility because the interest rates are low. However, the bond interest rate right now has hit an all-time low. City is in the position of considering, do we want to go ahead and in the short time pay the little bit of extra interest rate, but lock in at a bond interest rate that is so low that we will save money over the next 35 years instead of taking our chances and over the next couple years, it keeps inching up and we lose that long term.

Staff has asked Mr. Brossart and Bond Counsel to attend the Finance Committee in early March to discuss these options and help everyone understand what makes the best sense for the future with the City. In order to begin the process and be ready once that decision is made, alternative legislation is being introduced. Potentially, before the final vote, may request to table both pieces of legislation until that final decision is made. May suggest tabling the first note legislation until the March 11th meeting.

Mr. Berbee's understanding that the term General Obligation, there are two different types of bonds, Revenue bonds. He asked if we'd still have that flexibility if we use the word General Obligation? Ms. Froment said the issue is that we don't have the revenue in the fund to be able to do revenue bonds. The only option we would have would be the General Obligation Bonds.

COMMENTS OF THE MAYOR AND COUNCIL PERSONS AND GENERAL DISCUSSION

1. Parks & Recreation Representative - Ms. Richardson reported that the meeting scheduled for February 16th has been cancelled.

Ms. Richardson attended a Friends of the Pool meeting where a group of citizens are looking at trying to come up with strategies and ways save the pool. She encouraged everyone to buy their pool passes as soon as possible. Need to have as many passes as possible purchased by April 30th. Group is looking into the option of payment via credit card. There will be a subsequent meeting of Friends of the Pool, but no date/time has been set yet.

Mr. Reams said every year we have to remind people to shovel their sidewalks. Earlier, the Mayor mentioned the kids walking to school, but Mr. Reams noted also that the schools have adjusted the routes so that busses have clustered stops and kids may have to walk a block or two to their bus stop. He encouraged everyone to shovel their sidewalks.

Mr. Reams suggested having the Public Affairs Committee look at Council Rules of Procedure. They may need some adjustment since the Resolution process has been changed. How do we handle making an amendment if there is not a second reading.

Mr. Gore assigned that task to the Public Affairs Committee.

Ms. Groat was asked on behalf of the Uptown Renewal Team and Gretchen Friend, to formally thank the City Administration and the snow removal crews. Thank you for keeping the uptown vibrant, keeping people able to get there.

Regarding snow removal, Mr. Fogt said the purpose of volunteer help was not to limit overtime or extra time; it was to help out to clear the snow when necessary. The street crews are doing whatever they can to get Rt. 33 and the streets cleared.

Ms. Richardson thanked those individuals who have been supportive of the Akins and the Guisinger families. She thanked the emergency vehicles and fire equipment that came out.

Ms. Richardson thanked the City for their plowing efforts. She made a trip to Dublin during one of the storms and Marysville roads/streets were much better.

Ms. Richardson encouraged residents in Ward 1 to please shovel their sidewalks.

Ms. Richardson announced that she was participating in a fundraiser, Women at the Heart of it All. It's for women's health, heart and awareness. It will be held on February 19th at the Burnside Family Life Center at 6:00 p.m. Tickets are \$20 per person, \$15 for ages 65 years and over. She noted this is a ladies night only. There will be a comedian, food and modeling.

Mr. Taylor said that Finance Committee will meet on March 11th, at 2:30 in the 2nd floor conference room. Purpose of the meeting is to look at financing options and long term fix for financing, plus take a snap shot of income tax status.

Mr. Taylor commended everyone on a great job by everyone with the snow. He asked that if you have a driveway, please remove your vehicle from the street and put it in your driveway in order to allow snow plows to get from curb to curb.

Mr. Gore announced that there will be Joint City Council/Planning Commission meeting on March 9, 2010, at 7:00 p.m. in Council Chambers.

Mr. Taylor moved to adjourn to Executive Session at 8:15 p.m. to discuss the employment and compensation of a public official, seconded by Mr. Fogt and the question put, stood:

Mr. Reams YES Mr. Berbee YES Mr. Taylor YES Ms. Richardson YES Mr. Fogt YES Mr. Gore YES Ms. Groat YES

Motion passed.

Executive Session adjourned at 8:30 p.m.

Regular session reconvened at 8:30 p.m.

ADJOURNMENT: There being no further business to come before Council, the meeting adjourned at 8:30 p.m.