

CITY COUNCIL MINUTES

FEBRUARY 25, 2010

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

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

OTHERS PRESENT: Mayor Schmenk, Director of Administration Froment, Finance Director Morehart, Law Director Aslaner, Acting Clerk Moder

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

CITIZENS PRESENT: Bill Kelley, Jeff Groat, Pete Griffin

APPROVAL OF MINUTES: Mr. Berbee noted a correction to Page 11, Mr. Richardson should be changed to Mrs. Richardson. There being no further additions or corrections, the minutes were approved as amended.

ADMINISTRATIVE REPORT: Mayor Schmenk and City Council presented a plaque to Mr. Morehart in honor of his retirement. On behalf of Administration, Mayor Schmenk thanked him for everything and added that personally, he made her transition into office so much easier. She noted his involvement in all the activities and civic volunteering has shown that he'll stay active in the community. They all expressed their appreciation for everything that he has done and wished him good luck in the future.

Mr. Morehart said he's been privileged and honored to serve this fine City as the Finance Director for the last ten years and has learned a lot. He is really looking forward to retirement. He added that he's been privileged to be part of this city as a resident since the early 70's. The employees here are dedicated and committed to make the City of Marysville a better place to live and raise a family, and he attributed that to Mayor Schmenk and City Council.

Mr. Gore followed up on what the Mayor said, that his community involvement that is not even related to his job with the City, speaks volumes, and everyone appreciates that.

Mayor Schmenk reported on a meeting of “Friends of the Pool”. The meeting was led by Parks & Recreation Director, Steve Conley. The Mayor, the City Administrator and Director of Public Services attended. It was a good meeting. Members of the public who attended are very passionate about the pool. They really want to help us try to open the pool this summer. A lot of the meeting last night was spent looking at ways that they could help. One of the things they recommended was that the City revise the categories used for the members of the public to purchase season passes. Draft legislation was presented to Council for their consideration to be placed on the consent calendar, as well as consideration to waiving the third reading and passing it as an emergency. The reason for this is that the sooner the volunteers can get out there and help to start to educate the public and hopefully sell season passes, the more successful they will be. Mr. Gore suggested the existing legislation on tonight’s agenda be amended instead of introducing new legislation.

Mayor Schmenk reported that upon Mr. Morehart’s retirement, Ms. Becky Arnott, Tax Administrator, has been appointed interim Finance Director.

REPORT OF CLERK OF COUNCIL: Ms. Moder reported that a request was received from the Liquor Control Board for a transfer of a D1 liquor license from Asian Café, LLC, dba Asian Café Buffet & Grill, 601 Colemans Crossing Blvd. to Asian Restaurant Inc, dba Asian Café, 601 Colemans Crossing Blvd. A D1 permit is for beer only for on premises consumption and in sealed containers for carry out, until 1:00 a.m. The Police Chief had no objections. Council had no objections.

REPORT OF PLANNING COMMISSION: No report. Mr. Cunningham was unable to attend.

Mr. Gore noted that City Council and Planning Commission will hold a joint meeting on Tuesday, March 9th at 7:00 p.m.

HEARING OF CITIZENS: Mr. Pete Griffin addressed Council. He asked if the public could participate in the pool? He and his wife don’t want a membership, but would like to know if there is way in which they can contribute?

Mr. Berbee said there is nothing official yet, but there is a group called “Friends of the Pool”. The YMCA also has a program in place if people want to help underprivileged children. Perhaps the Friends of the Pool could learn about that to see if there is a possibility. In addition, the United Way may have an avenue for the pool.

Mr. Gore said an account has been established through the Union County Foundation where citizens can donate for the pool.

Ms. Froment said there are forms on line at the City's Income Tax website that will provide information on donating directly either to the Foundation or to the City, that is specific to the Marysville pool.

Mr. Gore said that contribution is tax deductible.

RESOLUTIONS

“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 second reading, public hearing. Mr. Fogt moved to waive the reading in full; affirmative voice vote was unanimous.

“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 second reading, public hearing. Mr. Fogt moved to waive the reading in full; affirmative voice vote was unanimous. Mr. Taylor asked for the timeframe for this project. Response was summer of 2012.

ORDINANCES

“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 third reading, title only. Mr. Taylor moved to pass the legislation and the question put, stood:

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

Ordinance 10-10 was passed.

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 third reading, title only. Ms. Froment said in December Council passed an ordinance modifying the fees as part of the budget process. Included in that legislation is a definition for resident versus non-resident. The proposed amendment is making a change to those definitions in that legislation.

Proposed amendment reads as follows:

Section 1. Insert the words “for purposes of the Municipal Pool only.” Season pass holder categories shall be designated as:

Resident of the City of Marysville (a person who either lives or works in the City of Marysville)

Non-resident of the City of Marysville (neither lives nor works in the City of Marysville)

Amend the title of the ordinance to include “and Declaring an Emergency”.

Mr. Reams said the emergency clause language needs to be inserted in the body of the ordinance.

Mr. Taylor moved to accept the amendment as presented with the emergency clause attached to the title and the question put, stood:

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

Ms. Groat moved to pass the emergency and the question put, stood:

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

Emergency passed.

Legislation returned to 2nd Reading, Public Hearing.

Mr. Taylor moved to waive the reading in full; affirmative voice vote was unanimous.

Mr. Fogt asked how a person would be expected to prove they are a resident for a pool pass. Mayor Schmenk said they will have to present a paycheck stub. Ms. Froment said the process is being modified so that individuals can purchase a pass on line, but before the pass is issued, the individual will need to produce a current pay stub. That pay stub will be compared to utility bills to show that they are within the municipal boundaries of the city. She added that staff currently checks residents against utility bills. Mr. Fogt said he would hate for somebody to show up at the pool and have a teenager responsible for making that decision. Ms. Froment said they will be training the on-site manager, who will be in charge of that process.

Mr. Reams expressed concern about the \$100,000 threshold. The movie theatre closed. His son keeps reminding him that the Skating Palace closed and complains that there is nothing to do. Mr. Reams is concerned that if the pool is not open, what is there left to do? We have to have something for kids to do. If we're getting close to the \$100,000 threshold, he doesn't want it to be an automatic cutoff.

Mayor Schmenk said they will do their best to get out there and sell season passes and to try to reach that threshold, but they will be flexible if need be.

Mrs. Groat moved to waive the third reading and the question put, stood:

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

Motion passed.

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

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

Ordinance 11-10 passed.

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 third reading, title only. Ms. Froment requested Council’s consideration to table this legislation until date certain, March 11, 2010, at which time both this legislation and the next legislation will be considered after staff has had an opportunity to meet with legal and financial counsel to get their advice on which direction the City should go with this. Mr. Taylor moved to table to date certain, March 11, 2010 and the question put, stood:

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

Motion passed.

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 second reading, public

hearing. Mr. Taylor moved to waive the reading in full; affirmative voice vote was unanimous.

COMMENTS OF THE MAYOR AND COUNCIL PERSONS AND GENERAL DISCUSSION

1. Parks & Recreation Representative – No meeting in February.

Mrs. Groat explained that Council and Administration have plans to revitalize the Cemetery Advisory Board. Two appointments have expired. Mrs. Groat nominated Scott Underwood as Funeral Director member and Barbara Daniels as the Citizen Member to be reappointed to this board for a four-year term. She also nominated Dick Bergandine for the Veteran Member to this Board. All terms will expire on March 31, 2014.

Mrs. Groat moved to confirm these appointments; affirmative voice vote was unanimous.

Mrs. Groat reported that Public Affairs Committee met last Monday, 2/22 and as a result of that meeting, the following amendments to the Council Rules of Procedure are being proposed.

Rule 23 currently states: No ordinance or resolution shall be passed until it has been read on three separate days, unless the reading on three separate days has been dispensed with by a three-fourths vote of all members elected to Council. Council, by a majority vote of members present, may waive a reading in full.

Proposed amendment is to add a sentence at the end of Rule 23, as follows: *An exception to this rule is a resolution which does not involve an expenditure of money, per Rule 2, Section E, Paragraph 2 of these Council Rules of Procedure.* This amendment will clean up Rule 23, making a statement that when there are resolutions that are not monetary related, three readings will not be required.

Rule 24 – Add the word “or resolution” after ordinance.

Clerk Patterson will get a copy of Council Rules of Procedure with proposed amendments to Council and voting will take place at the March 11th meeting.

Mr. Berbee said for the last several weeks and months, there have been some very nice messages in the local paper. He pointed out one particular message in

tonight's paper, "Let's Make Marysville Proud." He commended the Mayor for putting this forth and said he "definitely hopes it's contagious so that all the citizens will buy into this at some point in time."

Mrs. Groat said she was sad to see Mr. Morehart leave and thanked him for his service.

Mrs. Groat said that March 2nd is a Ward 3 meeting in Meeting Room B at Marysville Public Library, 6:30 to 8:00 p.m.

Mr. Taylor thanked Mr. Morehart for his service and helping him with city finances.

Mr. Taylor praised the Fair Board for their decision not to have beer at the fair. He feels it's a good business decision.

Mr. Gore thanked Mr. Morehart for serving the community well and added that Mr. Morehart's other involvement in the community speaks volumes about who he is as a person.

ADJOURNMENT: There being no further business to come before Council, the meeting adjourned at 7:30 p.m.