

CITY COUNCIL MINUTES

APRIL 22, 2010

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

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

OTHERS PRESENT: Director of Administration Froment, Finance Director Chavarria, Law Director Aslaner, City Engineer Klingman, Clerk Patterson

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

CITIZENS PRESENT: Ken Kraus, Tom Sawyer, Eric Moulton, Jeff Groat, Marianne Berbee

Mr. Gore asked to move the appointments to the Exterior Property Maintenance Commission to the front of the agenda due to one of the appointees having to leave the meeting early due to another commitment. Council agreed.

Mrs. Groat appointed the following individuals to the Exterior Property Maintenance Commission: Eric Moulton (Ward 1), Tom Sawyer (Ward 2), Pete Griffin (Ward 3), Deb Bingham (Ward 4) and John Cunningham (Mayoral appointment). Motion was made to confirm these appointments; affirmative voice vote was unanimous.

APPROVAL OF MINUTES: There being no additions or corrections, the minutes for the meeting on April 8, 2010 were approved as written.

ADMINISTRATIVE REPORT: Ms. Froment announced that a Virtual Tour of the Police and Fire facilities is now located on the City's website. This will allow residents and citizens to view the City Hall and Fire facilities from the comfort of their home. She encouraged everyone to take this Virtual Tour online, especially those that are not able to take the actual building tour. If anyone has any questions, feel free to call or email Administration.

Ms. Froment passed along information from City Planner DeLong who has been working with the Census group. It's time for the Census enumerators to start going door to door to collect Census information. They will be visiting those individuals

who they believe have not returned their Census forms. Ms. Froment gave some key identification points that residents should be aware of should a Census enumerator knock at their door.

1. Census enumerators will have official IDs and Census bags – no uniforms.
2. They will not ask for social security numbers or bank account numbers or to be let into the house.
3. They will ask residents only questions that are already on the 2010 Census form:
 - Their names
 - Whether the home is owned or rented
 - How many people live in the home
 - What the individuals' ages are
 - Whether they are male or female, and
 - Their race

If they ask any questions other than those questions above, they are not with the Census and you should contact the Police.

Responding is required by federal law, so residents need to be made aware of that.

Census enumerators will make 6 attempts per household – each time they will leave a door hanger with a number to call. The resident can call to schedule a visit from a Census worker.

If the resident is not sure the person at the door is a Census taker, residents can call the Detroit Regional Census Center to confirm that the Census taker is employed by the US Census Bureau: 1.866.861.2010.

Mr. Gore said that he had heard that 72% of Union County residents have already responded.

Mr. Fogt mentioned an article in the Columbus Dispatch that said a senior citizen living establishment in the Columbus area had not received any Census forms. He asked if Marysville had such a problem. Ms. Froment was not aware of a problem, but she will follow up with Mr. DeLong.

Ms. Froment requested Council's consideration to put a resolution on the consent agenda. This resolution has to do with providing water and sanitary sewer service to Jerome Village Community Authority.

REPORT OF CLERK OF COUNCIL: Clerk Patterson reported that she received a request for a C1 liquor permit for Revco Discount Drug Centers, Inc., dba CVS Pharmacy, 969 W. 5th Street, Marysville, OH 43040. A C1 permit is for beer only in original sealed containers for carry out only until 1:00 a.m. Chief Golden had no objections. Council had no objections.

REPORT OF PLANNING COMMISSION: Mr. Ken Kraus reported on the April 5th Planning Commission meeting. The Halcyon Village Preliminary Development Plan was tabled until the May meeting at the developer's request. Several issues need to be cleaned up before moving it forward to City Council.

The rest of the meeting was spent discussing legislation that is on Council's agenda this evening, to be discussed later.

Mr. Kraus reported on the Design Review Board meeting held on April 14th. Nine items were on the agenda, four of which were Tier II. He noted there are at least six Tier II items moving through the process. They range from signs at a law office and Doc Henderson's to Ron Levi's building on Plum Street. They are planning a new roof, new windows and all kinds of work to dress up that building, which will make a big difference. Uptown Cleaners is planning to make changes, which will make that building look totally different. They need to go to the Board of Zoning Appeals for a setback variance before proceeding.

Mr. Kraus commented that the Design Review Board was able to get through those nine items within 1-1/2 hours because of the work of Staff. The applications were very complete, very accurate and good detail was provided.

Mrs. Groat asked if the Tier II grant is a federal grant administrated through the State, and does the City have to do any matching for that grant. Ms. Froment said the Tier II is federal money that comes down through the state. It's just over \$400,000. Changes were made earlier this year because we weren't getting applicants. The match was changed to a higher amount, which gave them a larger percentage. It is also being matched with work by the City staff and an OPWC grant to do the streetscape to put in the mast arms and bury the utilities.

Mr. Kraus noted that the Tier II applications increased significantly after the percentage was increased.

HEARING OF CITIZENS: No comments.

Mr. Taylor moved to accept the consent legislation to be read as “A RESOLUTION AUTHORIZING WATER AND SANITARY SEWER SERVICE TO JEROME VILLAGE COMMUNITY AUTHORITY AND AUTHORIZING THE EXECUTION OF A SERVICE AGREEMENT, AN AMENDMENT TO THE ASSET PURCHASE AGREEMENT OF DECEMBER 19, 2005 AND SUCH OTHER RELATED DOCUMENTS NEEDED TO EFFECTUATE SAID WATER AND SANITARY SEWER SERVICE TO JEROME VILLAGE COMMUNITY AUTHORITY”, and the question put, stood:

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

Motion passed.

Mr. Gore explained that Council will hold three readings on this Resolution, and a Public Hearing will be held in two weeks. He also referred this legislation to Finance Committee for their review. Finance Committee will hold a meeting on May 20th, which is prior to third reading of this legislation.

RESOLUTIONS

A RESOLUTION AUTHORIZING WATER AND SANITARY SEWER SERVICE TO JEROME VILLAGE COMMUNITY AUTHORITY AND AUTHORIZING THE EXECUTION OF A SERVICE AGREEMENT, AN AMENDMENT TO THE ASSET PURCHASE AGREEMENT OF DECEMBER 19, 2005 AND SUCH OTHER RELATED DOCUMENTS NEEDED TO EFFECTUATE SAID WATER AND SANITARY SEWER SERVICE TO JEROME VILLAGE COMMUNITY AUTHORITY” was presented for first reading, title only.

Mr. Gore referred this legislation to the Finance Committee for discussion at their May 20th meeting. He asked other Council members to review the legislation and get their comments to Mr. Taylor prior to the meeting.

Ms. Froment displayed a map of the area. Nationwide Realty is the developer. They will be present at the public hearing to give a brief presentation. Ms. Froment said there are several parties involved in this agreement, the City, the County, the Jerome Village Community Authority, the developer and also Jerome Township.

With this legislation, there is a Service Agreement which spells out the obligations of the County, the City and the Community Authority as to how water and sewer will be handled in this area.

The second agreement is an amendment to the original County Asset Purchase. This amendment is needed in order to allow the City to do these things with sewer and water.

Referring to the map, Ms. Froment said the pink and yellow areas are known as Jerome Village. Jerome Village is the development; Jerome Village Community Authority is the political subdivision.

Jerome Village is being developed by Nationwide. They need water and sewer. Typically, the city would be the major sewer provider, but this is outside of our service area. The first thing that needs to be done is to have the county designate the city as being the service provider. When the Jerome Village development came into being, they needed water and sewer. There are no immediate lines to serve this development. The city began working with them on how to get sewer and water lines to that development. Ms. Froment noted an area on the map which is a tributary area that slopes into one spot. They need to build a pump station and a force main. The city wants it to be not just one that runs all the way to the plant for just a small area; they want to make sure it is big enough to serve the entire tributary area. This agreement had to be worked out with this developer of this smaller area as to how to pay for this larger area.

Ms. Froment explained that the developer is paying for the water that they need to put in. The city is not putting out any money for water, and the city will be the water service provider. City will bill everyone in the area if they want to use water. City will be the one they call if they have problems.

The sewer system makes up the majority of these agreements. It is more complicated because the developer just wants it for a certain area; the city wants it for the whole area. The developer has to build something bigger than what they had planned, which is called oversizing. The city asked them to oversize everything they were going to build so that it could handle the entire area. Ms. Froment noted there are some complications in an area that make it a little more expensive to put in gravity. There is bedrock and other issues. The pink area will be served by gravity. The yellow area is going to be served by an AirVac System. Instead of things just flowing by gravity down the pipes, the AirVac System will

suck everything towards a certain point. The city does not like an AirVac System because it's got a lot of moving parts. It goes against the grain of what we've been talking about as an organization for the last ten years, cutting down O&M to bring the cost down for our current customers. The AirVac System takes a lot of O&M for the parts and replacement. City prefers gravity lines that they don't have to touch for 50 years. It has been worked out so that the Community Authority will actually own and operate the gravity system. City will treat them like a bulk customer. We will master meter their sanitary waste. They will be responsible for charging everyone in here (pointing to the map). The Community Authority should be able to recoup their costs for building the big pump station.

Ms. Froment referred to the map – Old Jerome. There are already homes there. They are not on a sewer system. They are currently in the county sewer district. The county had made preliminary agreements with Delaware that some day they might bring lines across to the pump station. This agreement allows them to go either way.

Ms. Froment referred to the map to an undeveloped area with just a few homes, so arrangements have been made as to what happens if the existing homes want to tie into sewer and water. Also what happens if a new development comes in as office space or commercial. She pointed out a crosshatch area which is an exclusive city service area but also the city's growth area. Arrangements had to be made to make sure the city still has the right to annex that area, if it makes sense for the city to provide water and sewer.

The Executive Summary tells who is doing what, who is responsible for what and who will be maintaining or repairing what and who is paying for it and how do we recoup the cost.

Ms. Froment reiterated, the city is putting forth no money. What the city is doing is agreeing to treat them as a bulk user. We won't get that minimum payment for each home, but city will also not have any of the O&M for the entire area. City will alleviate any risk of the on-going maintenance of these parts.

Mr. Taylor asked for confirmation that there would be no extra expense for water or sewer to current customers. Only new people to the system would be sharing the load. Ms. Froment agreed.

Mr. Gore believes that if you have a bulk rate which is lower than an individual rate at the time, but then you eliminate any additional costs for maintaining the

system, long term, you will make more money with the bulk rate than you do if you get the individual rate. Ms. Froment agreed. She said if you think about the flow from 1200 homes, the user fees from that are incredibly significant for our system, not to mention the tap fees. City will still be collecting individual taps on each of these homes. That will help pay down our current debt, and the fixed cost of running the system will be spread over additional use. That will help stabilize all costs.

Mr. Taylor asked if the city is guaranteed that once we invest some, we don't lose what we put in there. Ms. Froment said the city is not investing any money. He asked if there is a guarantee that they will never come back to the city to say "those are your lines and that you have to worry about them."

Ms. Froment said the Community Authority, pursuant to state law, cannot go out of business as long as they have debt, so they are going to be securing that debt. Even if they did go out, the debt runs with the land, so it can't flow back to the city. The landowners then have the debt. If the development would go under and go into a Sheriff's sale, the city would get the proceeds and then the debt would continue, and the new owners would be responsible for it. Even if all that would happen, the agreement says that should they go under, the county takes it over.

Mr. Berbee asked what the distance is from the proposed pump station to the sewer plant. Response was one or two miles.

ORDINANCES

"AN ORDINANCE INCREASING APPROPRIATIONS IN THE WATER REPLACEMENT AND IMPROVEMENT FUND (FUND 51) IN THE AMOUNT OF \$300,000 FOR THE PURPOSES OF ELEVATED STORAGE TANK INSPECTION, REHABILITATION AND PAINTING AS NECESSARY AND MODIFYING THE ANNUAL OPERATING BUDGET AS A RESULT OF THIS ACTION" was presented for third reading, title only. Mr. Taylor moved to pass the legislation and the question put, stood:

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

Ordinance 13-10 passed.

The ordinance “TO AMEND SECTION 1123.01, INTERPRETATION AND MEANINGS, OF THE CITY OF MARYSVILLE PLANNING AND ZONING CODE” was presented for first reading, title only. Mr. Ken Kraus said the definition of opacity and site obscuring has been addressed. A public hearing was scheduled for May 27, 2010 at 7:00 p.m. per Section 1131.08 of the Planning and Zoning Code. This public hearing is in addition to the regular public hearing that takes place at Council’s second reading of the legislation on May 13th.

The ordinance “TO AMEND SECTION 1139.21, FENCES, OF THE CITY OF MARYSVILLE PLANNING AND ZONING CODE” was presented for first reading, title only. Mr. Kraus explained an issue with fences at correctional facilities in the GOV District. SIC Code 92 has been added to address correctional facilities. Did not want to allow barbed wire, etc. in all GOV uses, because that district includes offices, research centers, etc.

Mr. Kraus said there was also discussion about visibility in driveways. After discussion, Planning Commission decided enforcement, keep it at the 2’6” for 3’ from sidewalk level and people will be able to see backing out of driveways as opposed to getting into that 30’ triangle, which can get very difficult, especially if you have driveways back to back. A public hearing was scheduled for May 27, 2010 at 7:00 p.m. per Section 1131.08 of the Planning and Zoning Code. There will also be a regular public hearing on May 13th at the second reading of the legislation.

The ordinance “TO AMEND CHAPTER 1145, PLANNED UNIT DEVELOPMENT, OF THE CITY OF MARYSVILLE PLANNING AND ZONING CODE” was presented for first reading, title only. Mr. Kraus said the requirement for submission material, although it does not specifically say an aerial, they’re asking for information out 500’ from the site. The only practical way to provide that is an aerial. Most Planning Commission members Google the area and have a good idea of what’s out there in those areas.

The other issue was with mail notifications. Mailing must be made at least ten days before the meeting. A public hearing was scheduled for May 27, 2010 at 7:00 p.m. per Section 1131.08 of the Planning and Zoning Code. There will also be a regular public hearing on May 13th at the second reading of the legislation.

Mr. Kraus said if Council has any comments, get them to him prior to the May 5th Planning Commission meeting, so they can discuss them at that time. Mr. Gore suggested any comments/questions are to be directed to Ms. Klingman.

Mr. Reams asked about Section 1139.21, where they talked about simplifying the situation of height of decorative fences; the part about corner lots. It says it shall be a maximum of 2'6" above the sidewalk grade. A question was raised earlier whether it should be sidewalk grade, should it be the grade of the road or what should it be. He noted the word "sidewalk" has been removed. In the example that was discussed on 8th and Grove Streets, 2'6" above the grade he assumes is where the fence is at. Mr. Kraus said the grade would be measured at the right-of-way line, basically sidewalk level. Mr. Reams asked if grade is defined that way in the code. Mr. Reams is concerned that some lots are perched and have we made things worse by eliminating the word sidewalk? His concern is if you have a perched lot and it's up 2' and then you have a fence another 2-1/2' above that. Mr. Kraus will double check and get back to him.

COMMENTS OF THE MAYOR AND COUNCIL PERSONS AND GENERAL DISCUSSION

1. Parks & Recreation Representative. Mrs. Richardson reported that Parks & Rec did not meet in April.

Mrs. Groat announced that the Cemetery Advisory Board will meet on May 6th at 5:30 p.m. in Council Chambers. She encouraged public participation.

Public Affairs Committee will meet on May 24th at 6:00 p.m.. They will meet jointly with the Exterior Property Maintenance Commission members.

Ward 3 meeting will be held May 4th, 6:30 – 8:00 p.m. at the Library in Meeting Room B.

Mr. Taylor asked Finance Director Chavarria to bring a summary of income tax reporting comparison from last year to this year at this time to the next Council meeting.

In the future, Finance Committee will meet on the third Thursday of each month, with the next meeting on May 20th at 4:00 p.m. in Council Chambers.

Mrs. Richardson reminded everyone of the Aikin/Guisinger Benefit on Saturday night at the Catholic Community Center from 6:00 to 11:00 p.m.

Mrs. Richardson spoke specifically to the commuters of the city. “I support you and understand your challenges.” She thanked anyone who has supported the tax increase and voted yes in the past. She wants to continue to encourage you to vote yes on May 4th. She realizes there a lot of folks out there that have made that sacrifice. She also commented that, “I believe that if you pay more taxes to the city where you work than you pay here in Marysville, that you are paying too much in the city where you work.”

Mrs. Richardson said there was no meeting of the Parks & Recreation Commission on April 20th, but the pool membership drive is still going on. You can still purchase a pool membership and encouraged everyone to do so.

Mr. Fogt appreciates Administration giving tours of the building and the virtual tour and every opportunity for citizens to make a knowledgeable decision on how they’re going to vote. “You can’t be any more open than Administration has been on this.”

Mr. Gore said don’t forget May 4th is Election Day, and it’s a very critical issue to our community and to the future of our community. “We do understand the concerns of the commuters and those issues, but our needs are still there, and all we can ask you to do is give strong consideration to a Yes vote, and thank you for your consideration.”

ADJOURNMENT: There being no further business to come before Council, the meeting adjourned at 7:44 p.m.