

CITY COUNCIL MINUTES

MAY 13, 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, City Engineer Klingman, City Planner DeLong, Law Director Aslaner, Clerk Patterson

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

CITIZENS PRESENT: John Phipps, Gary Lee, Randy Loebig, Scott Mallory, Dennis Schulze, Don Bergwall, Darren Stephens, Bill Kelley, Brian Ellis, Bob Meeder, Pete Griffin, Eric Phillips

APPROVAL OF MINUTES: There being no additions or corrections, the minutes for the meeting on April 22, 2010 were approved as written.

ADMINISTRATIVE REPORT: Ms. Froment, with the assistance of President Gore, presented Ms. Wendy Eggleston the Employee of the Quarter Award. The Finance Department was recently down two employees during one of the busiest times of the year due to the retirement of the Finance Director, appointment of the Income Tax Administrator to Interim Finance Director, and resignation of the Finance General Clerk. Wendy, an Account and Audit Clerk for Finance Department, volunteered to assist the income tax department with filing, letter mailing, data entry of employer W-2 reconciliations and posting income tax returns in the tax software package.

Prior to February-March 2010, Wendy did not have any experience with the income tax software package, but she dedicated the time required to gain a basic understanding of the system, which allowed her to provide daily assistance. Her assistance was critical in permitting the tax department to remain up-to-date in their daily responsibilities pending the start date of our new Finance Director.

Some of her projects this quarter included: employer W-2 reconciliation data entry; processing tax returns and data input to the income tax system; clerical assistance

to the Tax Division to include alphabetizing, filing, letter preparation and mailing; and verification of daily cash deposits. Wendy's "can do" attitude and financial expertise enabled the City's Finance Department to meet service needs during their busiest time of the year – despite being without two employees.

Ms. Froment gave an update from the Cemetery Advisory Board meeting that was held earlier this week. She handed out a paper on "Cemetery Strategic Plan Project Overview" to Council.

Cemetery Strategic Plan Project Overview

Oakdale Cemetery represents the area's past with dignity and honor and prepares for the future with care and respect. The City of Marysville recognizes its responsibility to protect and enhance the grounds of Oakdale Cemetery. In order to address the current and future needs of the cemetery and our residents, the City must take a pro-active role in guiding the future of the cemetery. Accordingly, the City has initiated efforts to create a cemetery strategic plan.

Purpose:

Create a vision and plan to guide the decisions which impact the cemetery and the community it serves. The plan will evaluate existing conditions, facilities and services; and recommend future governance, funding and services. Additionally, the plan will recommend policies and develop a framework for growth and development in the future.

Process:

- Involve all stakeholders, including Mayor, City Council, Cemetery Advisory Board, staff, citizens, and civic groups, such as VFW, those who really take an interest in the cemetery, volunteers and the community at large. Get feedback from these individuals.
- Assess current cemetery, funding and rules and regulations.
- Benchmark against cemeteries in other communities.
- Gather community input through community forums, surveys and stakeholder interviews.
- Summarize information to create cemetery vision.
- Develop proposed strategic plan.
- Present recommendations to Mayor and City Council.

Timeline:

- Begin immediately.
- Estimated completion of proposed recommendations is October 2010.

Role of Advisory Board:

- Provide input and advice throughout process.
- Receive monthly updates at Advisory Board meetings.
- Advise and provide input on cemetery vision.
- Advise and provide input on proposed action plan.
- Advise and provide input on recommendations.

Ms. Froment gave a brief update on the Beautification Program. This program will be overseen by the Exterior Property Maintenance Commission. That Commission will meet jointly with Public Affairs Commission on May 24th.

She explained that as part of the City's Strategic Planning effort, there was a need to continually look at property maintenance, not only in an enforcement aspect, but in a way to encourage people who take pride in their properties and make sure that the City has a way to recognize that. Staff wants to encourage people to not only consider nominating themselves, but potentially nominating neighbors or businesses who they feel really exemplified this beautification. There are two types of awards, one is "Beautifully Maintained", which focuses on people who have great landscaping and continue to maintain their property. There is also a "Property Enhancement" award. This one is for if a business would come into town and revitalize a building or a homeowner would take over and redevelop a building; that might be an enhancement.

Ms. Froment asked Council's consideration to add an ordinance to the consent calendar. This is an appropriation for the Tier II Grant. In 2009, Council passed legislation authorizing the City to enter into contracts for the purpose of Tier II and also appropriated the money. There was no time stamp on that particular legislation, so City assumed that it would work for two years, 2009/2010 and into 2011. After further review, because the budget that was passed in December did not include this appropriation, it could be read by auditors to have removed that authority, because the line was not included. Staff is asking to reauthorize this appropriation and place it back in the budget. Their concern and why they're requesting it be put on the consent calendar is that bills have come in and they need to make payment to some of the property owners. She also asked Council's consideration to waive third reading.

Mr. Fogt questioned the amount, \$150,500. Ms. Froment said that's the amount that remains of non-expended dollars. The original amount was \$400,000. \$200,000 is the amount that will still be coming in that will need to be appropriated, but \$150,500 is the amount going out. This is part of the grant.

REPORT OF CLERK OF COUNCIL: Clerk Patterson received a request to transfer a D5 liquor permit from SMGP Inc. dba Family Pizzeria, 707 S. Maple Street to Off Shore Alternative LLC, 707 S. Maple Street. A D5 permit is for spirituous liquor for on premises consumption only, beer and wine for on premises and off premises in original sealed containers until 2:30 a.m. The Police Chief had no objection to this permit. Mr. Taylor asked for the owner/operator's name. Donald Clark is the Managing Member. Council had no objection.

REPORT OF ECONOMIC DEVELOPMENT DIRECTOR: Mr. Eric Phillips reported that the Ohio Chautauqua event will be held in Marysville July 27-31, 2010. This is a 4-day event celebrating history. He encouraged the community to come out for this event.

Regarding the Mural Project, the Chamber entered into a contract with Curtis Goldstein, an artist out of Columbus. He has done work throughout the nation on murals. The game plan is to paint a mural on the Hatfield Chiropractic building on N. Main Street. The artist is working on the design. There is a design committee through the Uptown Renewal Team that is currently reviewing it. It will go through the City's Design Review process and receive approval as well. With the contract, the City will not only get one mural, but a mural will be restored, the John Auer Grocer Pillsbury sign on the east side of the Old Bag of Nails building, 225 E. 5th Street. That will be repainted and restored to make it look like it's a historic mural. A third painting will be a project through the schools and will be done by school children. Location for that painting is yet to be determined. The mural project should be on the June 9th Design Review Board agenda. Hope to start painting the mural in July and be completed no later than September 11th, which is Festifair and the Covered Bridge Festival. Mr. Phillips thanked Dayton, Power and Light for their \$10,000 contribution. Also thanked McAuliffe's Hardware and Sherwin Williams for donating the paint for the mural.

Mr. Phillips reported on an article in the Columbus Dispatch that showed 15 counties in the state of Ohio had job growth since 2000. That is sad for Ohio, but good for Union County. Union County was fourth on the list. Delaware, Warren,

Fairfield and Union County were the top four. Union County saw 10% job growth since 2000. We need to keep that moving forward for the next decade.

Mr. Gore congratulated Mr. Phillips for being elected Secretary for a Board on the Mid-Ohio Regional Planning Commission (MORPC).

Mr. Fogt asked if the motorcycle weekend is still on. Mr. Phillips said yes, Bike Fest is still on. Mr. Berbee confirmed the date for Bike Fest is Friday, July 23.

Mrs. Richardson asked if there was a possibility of input on the design of the mural. Mr. Phillips said there is a website, Marysvillemural@yahoo.com. You are welcome to make a comment on what you think should be included in the mural. The artist has been in contact with Bob Parrott and the Historical Society, and they're making comments of what should be included in the mural. It is up to the artist to come up with the design.

HEARING OF CITIZENS: No comments.

Mrs. Groat moved to accept legislation for the consent calendar to read as follows: "AN ORDINANCE INCREASING APPROPRIATIONS IN THE CDBG TIER II GRANT FUND (FUND 21) IN THE AMOUNT OF \$150,500 FOR THE PURPOSES OF COMMUNITY DEVELOPMENT AS SPECIFIED IN THE GRANT AGREEMENT AND MODIFYING THE ANNUAL OPERATING BUDGET AS A RESULT OF THIS ACTION", seconded by Mr. Fogt 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

Motion passed.

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 second

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

Ms. Froment displayed a map and explained an area referred to as Ebersole Tributary area. This area involves many jurisdictions. It involves the city as a water and sewer provider; it involves Jerome Township as the township that controls the zoning; it involves LUC, who is the overall zoning group that gives approval; it involves the County Engineer and the County Commissioners because it is in their service area and for purposes of transportation enhancement, the engineer and for purposes of designating who serves in that area, it would be the County Commissioners. Finally, there would be the creation of the Jerome Village Community Authority. They are in place to ultimately be that local political subdivision, that will ultimately be able to take over some of the providing of services and will also be able to levy charges, etc. on the citizens to provide things such as schools and streets.

The agreement discussed at the last meeting is over 30 pages and that is because there are so many people involved and so many different things that are going on. The City will be providing water and will be the service provider for water. The City will be providing sanitary sewer service to the Community Authority as a bulk user and in exchange for being a bulk user, city will allow them to take some of the surcharges that they normally keep because city is seeing a drop in the O&M, and they need that for purposes of running the area. The agreement itself goes into who gets what and why and where, oversizing, reimbursement, and things you normally see in a development agreement.

Ms. Froment turned the meeting over to Mr. Randy Loebig, who in turn introduced Brian Ellis, President of Nationwide Realty Investors. They are the development arm of Nationwide Insurance.

Mr. Ellis gave an overview of the project and where it's at to date. They have been involved in the project in an investment capacity for about three years. This project has been a long time in the making. It's gone through lots of planning, lots of thought and a number of people have touched it. When NRI got involved in it, they felt the plan was very attractive, provided some really great opportunities for them and for the community. About 18 months ago, NRI became the soul owner of the project, but asked Highland to continue with the project in a development capacity.

This project is 1500 acres, 559 acres of dedicated green space. NRI felt that with the amount of green space that was there and the connectivity to the Glacier Ridge Metro Park, this would be an outstanding project over the long term. They were also attracted to the commercial potential on the north side of the site. He noted the housing market has been devastated not only in central Ohio, but across the country, so the initial stages of this project have been slowed. It's been difficult to build momentum, but progress is being made. NRI has the development capability and the financial strength to be able to move the project forward. Builders are having trouble financing their projects, so NRI has committed to providing finished lots. Instead of builders taking large tracts of land and having to finance the infrastructure themselves, NRI has taken the position that they will provide the infrastructure and sell finished lots. NRI is also undertaking funding of the infrastructure. As the Community Authority gets off the ground, NRI will be funding the infrastructure and the key pieces that are necessary in the early stages to get this project moving forward and to be in front of the market as best they can. He noted so far they have three contracts with builders and are working with six other builders for positions in Jerome Village. NRI feels that by paying close attention to the details, focusing on quality, they will have a successful project and one everyone can be proud of for generations to come. The utility agreement that is before Council is a very important step. It allows them to get this project rolling.

Mr. Ellis thanked the City of Marysville and the staff who have been great to work with. He also thanked Union County and Jerome Township. They've been terrific to work with.

Mr. Randy Loebig of Highland Development addressed Council. He gave a brief update of where they are in the construction cycle. They have the offsite water, which is the Industrial Parkway/Brock Road portion of the project bid. The contractor has the contracts and they're getting prepared to start construction. The onsite sanitary has been approved, so they're going through the EPA process of getting the PTI's. Have bid the first phase of the development itself, which is GPN7, which sets down on Brock Road. Currently going through construction drawings and contracts. Once the utility agreement gets put in place, will start all the offsite utilities and then come in and start working on the first neighborhood. With the interest with some of the other builders, will continue to develop pods (neighborhoods) with the rest of the neighborhoods to follow, based on demand.

Mr. Loebig appreciates all the help from Staff on this project.

County Engineer Jeff Stauch said the County has worked long and hard on many phases of this project. Have worked with City Staff on this agreement, as well as the Commissioners. He noted he is very comfortable with the agreement.

County Commissioner Gary Lee commented that this has taken a long time because it is a very complicated agreement. He said, "The largest thing that we need to be proud of is that as we started on this, the City and the County agreed it had to be a win-win and we worked side by side. Randy and I have been through two City administrations on this and we are very proud that we have these folks as our partners. I can tell you that as we met with Randy and Scott in the very beginning stages, you don't always get a really good feeling about a developer, but these folks are real; they've kept their word every step of the way; they've worked hard. They could have gone to Delaware County for service cheaper than they could have brought it into Union County and Marysville, but their desire to help us make sure that everything works out for the betterment of Marysville and Union County, I think needs to be recognized tonight."

For the record, Mr. Gore noted that Mary Sampsel, Assistant County Engineer, is in attendance.

Mr. Gore said the Agreement has been referred to Finance Committee for further review. Finance Committee will meet on Thursday, May 20th at 4:00 p.m.

"RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION ON BEHALF OF THE CITY OF MARYSVILLE TO THE STATE OF OHIO COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) SMALL CITIES PROGRAM FOR \$67,000 OF FY2010 FORMULA GRANT FUNDS". Mr. Gore commented this resolution requires two public hearings.

City Planner DeLong said this presentation is the first of two required presentations that must be completed prior to the Formula application submittal deadline of June 25, 2010.

On April 9, 2010 the City received notice from Ohio's Housing and Community Partnership (OHCP) that we will receive \$67,000 in CDBG Formula funds. This amount is \$8,000 more than we received in 2009.

This grant does not require the City to provide matching funds.

The State of Ohio's allocation for the Formula program is \$20,250,000.

In FY2010 there are:

- 130 eligible communities
- 79 eligible counties
- 51 eligible “direct” cities

The City of Marysville meets the requirements as a “direct” city, which includes:

- LMI population of 25% or greater
- Funding allocation of \$50,000 or greater
- Direct Grantee (not administered by the County)

Please note, that all of this information is based on 2000 Census data.

With the Formula grant, the City can fund up to three (3) projects. The City must also allocate funds for a Fair Housing program and administration, but these are not counted as projects.

In 2009 the City received a \$500,000 Community Housing Improvement Program (CHIP) grant to assist residents with Home Repair, Home Rehabilitation and Down Payment with Rehabilitation. A portion of the Formula Grant money will be used for Fair Housing of the 2009 CHIP grant and also for the subject Formula grant.

All projects funded by Formula dollars must meet a National Objective which includes:

- Benefit to low and moderate income (LMI) persons.
- Prevention and/or elimination of slum and blighted areas.

Following are some activities that are eligible for CDBG funding:

- Rehabilitation of centers for the disabled
- Fair Housing
- Senior Center Improvements
- Code Enforcement
- Street Improvements
- Sidewalk Improvements
- Water and Sewer Facilities
- Historic Preservation
- Parks and Recreation Facilities

The FY 2010 Formula Program timeframe is from September 2010 through December 31, 2011.

No project can begin until the City executes a grant agreement with the State, which will occur in the Sept/Oct timeframe and the City receives written notification from the State that the environmental review process is complete.

All activities and projects must be bid through the City and must follow CDBG and City procurement procedures along with Davis-Bacon prevailing wage rate if applicable to the project.

The recommended project for the FY2010 Formula Grant is street improvements for W. Ninth Street in an area between Maple and Mulberry Streets. A more detailed presentation of the recommended project will be presented at the May 27th City Council meeting.

Examples of projects the City has completed using Formula Grant money include:

- FY2004 – W. Eighth and Maple Street Improvements
- FY2005 – W. Third Street stormwater and street improvements
- FY2006 – Sidewalk and Street Improvements in the E. Sixth, E. Seventh and Chestnut Street areas.
- FY2007 – Improvements to various alleyways in the Historic Central Business District
- FY2008 – Street Improvements to E. Eighth Street
- FY2009 – Used the funding as match money for the CDBG Tier II Downtown Revite Program

Mr. Fogt asked how much money is left to pay for the street paving. Mr. DeLong said he's in the process of getting the cost estimates from the engineers. He's trying to maintain this project within the budget of \$67,000. Fair Housing estimates are typically \$4,000. He's trying to minimize admin costs in order to be able to put as much into this project as possible. He feels right now we're breaking even. His hope is that this money will pay for the entire street repaving.

Mrs. Richardson said CDBG Grants are not something in general that the public understands. They don't understand that there are specific requirements that need to be followed in order to get the grant. She asked if there is any way to simplify the communication of some of these projects. Mr. DeLong said each one of these

grants has their own requirements and can be very confusing. Each one is totally different.

Mr. DeLong explained that with this grant, there is a requirement to stay within certain boundaries of Low to Moderate Income properties.

Mr. Gore asked Clerk Patterson to look at past minutes to see if there was a presentation done which would help simplify the process and requirements.

ORDINANCES

The ordinance “TO AMEND SECTION 1123.01, INTERPRETATION AND MEANINGS, OF THE CITY OF MARYSVILLE PLANNING AND ZONING CODE” was presented for second reading, public hearing. Mr. Taylor moved to waive the reading in full; affirmative voice vote was unanimous.

The ordinance “TO AMEND SECTION 1139.21, FENCES, OF THE CITY OF MARYSVILLE PLANNING AND ZONING CODE” was presented for second reading, public hearing. Mr. Fogt moved to waive the reading in full; affirmative voice vote was unanimous.

The ordinance “TO AMEND CHAPTER 1145, PLANNED UNIT DEVELOPMENT, OF THE CITY OF MARYSVILLE PLANNING AND ZONING CODE” was presented for second reading, public hearing. Mrs. Groat moved to waive the reading in full; affirmative voice vote was unanimous. Mr. Bergwall noted a minor change in Section 1145.15 (b)(3) (B)(9), insert words “for accessory buildings.” #9 would read as follows: minimum distance to side, rear, and front lot lines for accessory buildings. That change would be considered a typo.

The ordinance “TO RECOMMEND APPROVAL OF THE AMENDED FINAL DEVELOPMENT PLAN FOR HALCYON VILLAGE, FORMERLY GALBURY MEADOWS, PLANNED UNIT DEVELOPMENT” was presented for first reading, title only. Mr. Bergwall, Vice Chairman of the Planning Commission addressed Council. The Planning Commission has thoroughly reviewed the Amended Final Development Plan for Halcyon Village. He noted there has been some very good work done in this amendment. The original plan had 106 units of condominiums in the section that surrounds the Inn at Halcyon Village, and the new plan was shown as 62 units and the Planning Commission has approved 65 units. The units will be single and double units and depending on the market

demand for single versus double units, there is some flexibility in certain areas of the layout. Architecturally, there will be some variation, even though the buildings are going to be similar. Street configuration was improved in the amended version. The second access that was required from the Fire Department off of Rt. 38 until further development has been resolved and has been incorporated in at the south end of that area. This area will provide a unique variety of housing that doesn't exist in Marysville today. It will also be very complimentary to the assisted living facility at Halcyon Village. Planning Commission feels that this is a good development that has been well planned and they look forward to getting it into the construction stages. The next step will be a lot split and engineering drawings, and then this will end up going to Design Review Board because it is condominium-type structures.

Mr. Fogt commented that the assisted living facility looks fantastic. It's good for the city and the construction is high quality. All the neighbors said they didn't get material from the construction site blown over onto their properties.

Mr. Gore commented that if the future development is anything like what's presently standing, it's very good for the community.

A public hearing was scheduled for June 24, 2010 at 7:00 p.m. per Section 1131.08 of the Planning and Zoning Code. In order to expedite the project, Mr. Taylor suggested moving up the Public Hearing to June 17th at 5:00 p.m. if the Clerk can get the public notice advertised in time.

“AN ORDINANCE INCREASING APPROPRIATIONS IN THE CDBG TIER II GRANT FUND (FUND 21) IN THE AMOUNT OF \$150,500 FOR THE PURPOSES OF COMMUNITY DEVELOPMENT AS SPECIFIED IN THE GRANT AGREEMENT AND MODIFYING THE ANNUAL OPERATING BUDGET AS A RESULT OF THIS ACTION” was presented for first reading, title only.

Mr. Taylor moved to waive the second reading, public hearing and the question put, stood:

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

Motion passed.

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

Mr. Fogt moved to waive the third reading, title only and the question put, stood:

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

Motion passed.

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

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

Ordinance 14-10 passed.

COMMENTS OF THE MAYOR AND COUNCIL PERSONS AND GENERAL DISCUSSION

1. Parks & Recreation Representative. Mrs. Richardson reported that Parks & Recreation Commission will meet on May 18th at 7:00 p.m.

Mr. Reams reported that he was on the Jim Simmons Trail a couple of times the last couple of weeks. He noted along the new section that was put in last year with the gravel, the blooming wild flowers were phenomenal. He said he was out on the trail today, the paved section a little further north of there, “the wind was blowing and you could see the grass really swaying and it’s like WOW, that’s really beautiful, but on the other hand, the grass was about 18” tall along the trail”. Mr. Reams noted that this one particular section that he’s talking about is actually the responsibility of the Homeowner’s Association to maintain and we need to remind them of their responsibility to maintain that.

Mrs. Groat reported that on May 24th at 6:00 p.m, the Public Affairs Committee and the Exterior Property Maintenance Commission will hold a joint meeting. She encouraged input from individuals on the Exterior Property Maintenance Beautification Program.

Mr. Taylor suggested that at the May 24th meeting, the Exterior Property Maintenance Commission consider staggering their term expiration dates so that the terms for all four wards don't expire at the same time.

Mrs. Richardson reported that proceeds from the Aiken/Guisinger Benefit amounted to \$15,000. She credited all the volunteers and the community for their support of these families.

Mrs. Richardson reported that a yard sale/benefit was held for Brenda Stillion and her family. They are residents of Mill Valley. The Marysville Mom's group organized this event and all proceeds went to the family so they could go to Disney.

Mr. Gore said we're keeping our fingers crossed for the 19th. There was a lot of hard work. "For those that cast your votes, whether it was a yes or no, we appreciate you at least exercising your right to vote." The Board of Elections will address the provisional ballots on May 19th. "Our hopes are that there are enough provisional ballots in there to keep us over the top and if so, we will go forward with some planning. What's difficult right now is the ability to plan with any of the summer activities."

ADJOURNMENT: There being no further business to come before Council, the meeting adjourned at 8:07 p.m.