

CITY COUNCIL MINUTES

JULY 8, 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. Berbee **EXCUSED:** Mr. Reams

OTHERS PRESENT: Mayor Schmenk, 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: Bill Kelley, Sonny Green, Deral & Brenda Rackley, Martin Pratt, Lloyd Baker, Marilyn Hassinger, Jim Cesa, Debbie George, Crista Miller, Jim Gruett, Larry George, George Colman, Kathy Young, Marianne Berbee, Minerva Minthorn

APPROVAL OF MINUTES: There being no additions or corrections, the minutes for the meeting on June 24, 2010 were approved as written.

ADMINISTRATIVE REPORT: Mayor Schmenk presented Mr. Bill Sallee to fill the unexpired Civil Service Commission term ending December 31, 2012. Mr. Sallee is very well qualified. He has thirty years experience managing Human Resources. He is recently retired from the Nestle Company. He has worked in Human Resources in both union and non-union environments. Mr. Sallee is very active in the community.

Ms. Klingman reported that the City will be receiving funding through the Municipal Bridge Program for the rehabilitation of the Maple Street bridge. It's 80/20% local match through the Ohio Department of Transportation. Looking at construction in 2012.

REPORT OF CLERK OF COUNCIL: No report.

REPORT OF ECONOMIC DEVELOPMENT DIRECTOR: Mr. Eric Phillips showed Council members the final design of the mural that is to be painted on the

Hatfield Building, 130 N. Main St. Curtis Goldstein is the artist. This mural will go before the Design Review Board on July 14th for their review/approval. This is a Rubin Partridge inspired mural. Mr. Phillips thanked the Dayton Power & Light Foundation for making this a reality, as well as McAuliffe's and Sherwin Williams, who are donating the paint for this project.

Bike Fest will be held from July 22nd through July 24th.

Ohio Chautauqua will be held from July 27th through July 31st. Events will be held during the day, along with some evening events. Information is available on the Chamber website or at the Chamber office. The event will take place at Mill Valley South. Mr. Phillips encouraged the community to come out and enjoy and support these two community events.

The Union County Fair is coming up.

The Balloon Rally will be held in August.

URT has been working on a membership drive. The cost is \$100 for a business and \$25 for an individual. Membership cards should be available next week. Cards will give you a discount at various businesses uptown, including Fiesta Grande, Goodies Galore, Goodies & More, Hatfield Chiropractic, Joe Duke Insurance, Lambert Jewelers, Lifebio, Lonestar Quilting, Marysville Journal Tribune, The Old Town Inn, Personal Touch Engraving, Ribbon Box and Schulze, Howard & Cox.

Mr. Berbee asked where memberships could be purchased. Response was to contact Gretchen Friend or the Chamber office.

Regarding Ohio Chautauqua, Mrs. Richardson expressed concern about parking and transportation. She asked if plans had been finalized so there wouldn't be a lot of disgruntled residents in Mill Valley. Mr. Phillips said a letter is being prepared that will go out to the residents and the public that describes where the parking is going to be located. There will be people movers at certain locations to take people from various locations to the event.

HEARING OF CITIZENS: No comments.

Mr. Fogt moved to confirm the appointment of Bill Sallee to the Civil Service Commission to fill the unexpired term ending December 31, 2012; affirmative voice vote was unanimous.

RESOLUTIONS

“A RESOLUTION TO ADOPT THE SOLID WASTE MANAGEMENT PLAN 2010-2024 UPDATE FOR THE ALLEN-CHAMPAIGN-HARDIN-MADISON-SHELBY-UNION JOINT SOLID WASTE MANAGEMENT DISTRICT” was presented for first reading, title only. This resolution is of a financial nature and requires three readings. Ms. Froment said this is also known as North Central Ohio Solid Waste District. Being a city within Union County, we’re automatically a member of this district. Public Service Director Mitchell is on the committee, and he provided input on behalf of the city and Union County. By state law, every so often the Solid Waste District must create a Waste Management Plan Update which covers 15 years so that they are always planning out 15 years, to know that they have enough facilities to be able to handle the waste that’s projected for (inaudible). As part of this process, they have to develop strategies for managing the facilities and programs, provide assessment on achieving state-wide recycling and waste reduction goals. This plan allows for changes if there are any material deviations (inaudible). It also looks at their Generation Fee. The city pays so much as a city (inaudible) to deliver to the Solid Waste District for disposal. That price projected out will need to be increased in 2011 by \$1.00 per ton for the entire 15-year period. This increase will not affect the trash bill. The price as it affects the city is \$5,273.85, which is absorbable into our (inaudible).

Mr. Fogt commented that other cities have easier ways to recycle than what Marysville has. He would love for our recycle process to be as easy as possible so that we don’t have to sort things out as much. He realizes it would cost extra. Ms. Froment said the Solid Waste District must separate paper products out from other recyclables. Marysville staff actually goes through that process of separating the recyclables. Mr. Mitchell mentioned that and it is part of their plan to upgrade their facility to be able to handle (inaudible).

The resolution “TO AUTHORIZE THE MAYOR TO ENTER INTO AN AGREEMENT WITH UNION COUNTY HABITAT FOR HUMANITY FOR THE PURPOSE OF ALLOCATING NEIGHBORHOOD STABILIZATION FUNDS AND DECLARING AN EMERGENCY” was presented for first reading, title only. This resolution is of a financial nature and requires three readings. City Planner DeLong explained that the city received last years Neighborhood

Stabilization Funding. It's a pre-stimulus program. The city was approached by Habitat for Humanity to partner with them to assist them in giving them some money to get them kick-started in their home-building program. The city felt the program was a good match for the Neighborhood Stabilization Program because it does meet the criteria of the program. The money has been used to demo four properties and rehab one house. Books must be closed, so projects must be identified. City would like to give the remaining available funding to the Habitat group.

Mr. Jim Cesa, President of Habitat for Humanity addressed Council. The group is very excited to be able to offer to the community their first Habitat for Humanity home. Land is located at 117 First Street, which was acquired in 2008. They are looking forward to building the first home to be completed by November. Mr. Cesa introduced other Board Members who are helping with this project, Donna Wilson, Debbie George, Marilyn Hassinger and George Colman.

Mr. Gore noted that these are grant funds, and if we don't use them, we lose them. Even though this is of a financial nature, this is not coming out of city funds. He asked if Council could waive all readings and get this done. Ms. Froment said the money was previously appropriated. What we have here is typically the money that is flowing through MORPC, but because of the unusual project where the city is actually working with an organization here, MORPC asked that the city enter into an agreement directly with Habitat for Humanity. This legislation is allowing the Mayor to enter into an agreement. Mr. Gore noted that if we wait for three readings, Council will be voting on August 12th, which is a delay of five weeks from now. Mr. Aslaner said if Administration is comfortable in representing that there are no expenditures of city funds, the resolution could have one reading. Ms. Froment said the agreement specifically states that no city funds will be utilized. Mr. Taylor suggested that since there was some concern, Council should run the legislation through and waive readings tonight. Mr. Taylor moved to pass the emergency clause and the question put, stood:

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

Emergency passed.

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

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

Motion passed.

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

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

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

Motion passed.

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

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

Resolution 13-10 passed.

ORDINANCES

The ordinance “TO AMEND CHAPTER 1100, SUBDIVISION AND ZONING FEES, 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 CHAPTER 1136, HISTORIC DESIGN REVIEW DISTRICT(S) AND LANDMARK(S) (INCLUDING HISTORIC UPTOWN MARYSVILLE DESIGN REVIEW DISTRICT), 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 1143, SIGNS, 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.

Mr. Sonny Green addressed Council. Mr. Green distributed a letter that he wrote to the Mayor a couple of years ago. Mayor Schmenk met with Mr. Green to hear what he had to say about some of the advertising he's trying to do to bring in business. He's been in business in Marysville for about 22 years. Part of doing business is getting clientele in the door and getting them to notice you. The ordinances will not allow banners, streamers or flags in a nice, clean fashion. The Mayor said she would look into this and try to get some help with this. Mr. Green received the proposed legislation today and was only able to review a portion of it, but he has a lot of questions and concerns about the way the ordinance is worded, as well as with a lot of the restrictions in the code.

Mr. Green noted maximum size for a temporary banner is 12 sq. ft.; that is a 4 x 3 banner. That is tiny. He noted if you put that on the front of Wal-Mart, who is going to see it. It might suffice for a small business.

He also noted the restrictions in the ordinance do not follow the intent. The restrictions include: "shall not include the name of another business, a phone number, website or an email address." Mr. Green has a few businesses in town and the way this language reads, he can't advertise one of his businesses at one of the other locations. He doesn't see how the City can tell him he can't do that. "It doesn't make much sense to me. Are we not allowed to advertise our own businesses in our own businesses? That's what this says." The code says, "The banner shall be displayed on the property for which the banner is advertising." They also own the old 84 Lumber property and they're not allowed to put a banner out there to tell people to visit one of their other businesses.

Mr. Green understands there has to be ordinances regulating signs and that you don't want all kinds of signs hanging around.

Mr. Green said he was told, "We're going to look into this and we're going to keep business's best interest in mind and we're going to try and help you out." Mr. Green said, "We're trying to do business in town; we've been doing business in town; we're very involved in the community. We keep trying, but every time we try, we get cut off at the knees." He doesn't understand what else he needs to do to bring in business or to promote business. "We're always wanting to bring more business into town, yet we're not taking care of the businesses that are already here."

Mr. Gore noted there was a meeting at the Chamber regarding this signage issue, but he had not heard the results of that meeting.

Mayor Schmenk said the meeting was well attended. City Planner DeLong presented a PowerPoint presentation addressing an overview of what the proposed changes would allow. The presentation was followed by a question and answer session. The feedback received was good. There weren't questions in the area that Mr. Green just raised. The primary concern that business owners raised was for the A-frame signs, which are temporary signs that had been totally prohibited in the past; now they will be allowed under certain circumstances. For example, they have to be close to a building; they can't be far away in the right-of-way. One of the main comments received was the proposed changes would not allow for vinyl A-frame signs. It was thought the A-frame sign would not be attractive looking if they were made of vinyl material. Staff was asked to reconsider that. Staff's suggestion to Council would be to proceed with the proposed changes and allow staff to make modifications later on this year.

Mr. Gore said he's inclined to send it back to Planning Commission, because "it's obviously drawn a lot of attention that was initially there." He feels the forum to discuss the issues would be at the Planning Commission meeting. "As Council, we rely very heavily on Planning Commission and any Boards or Commissions that are appointed to do their due diligence." He believes the Planning Commission did. Mr. Gore feels there are bigger issues than deciding whether we let somebody use vinyl or not, but at least hear from the businesses that have some of the major concerns. He added that it doesn't mean it won't come back the same way as presented now, but at least have that opportunity to go back to committee and have them take a hard look at it.

Mr. Gore recommended the legislation be returned to Planning Commission for further review. He asked the media to make sure it's very clear when that meeting is scheduled so the public can attend.

Mr. DeLong said that the prior two pieces of legislation, Chapter 1100 and Chapter 1136 are tied to this Chapter 1143, so he suggested returning them all to Planning Commission as a package.

Mayor Schmenk said one thing that she wants the public to know is that the changes that were made were all expanding what businesses can do and, "unfortunately, if we're not making those changes now, we've still got a pretty restrictive code, so we need to hear from people quickly."

Mr. Ken Kraus, Planning Commission Chairman, said they will take a hard look at the issues. He asked that anyone with concerns, to please get them to the Planning Commission in writing or they can be sent via email, so it can go out with the packets. Deadline for packets is July 23rd. Get comments to Mr. DeLong or Ms. Penhorwood by July 23rd. It's not a requirement, but certainly would be helpful so Planning Commission members can look at the comments, have time to think about them and look around the community before the meeting on August 2nd.

Mr. Gore said that he didn't want to give any false hopes; it could come back exactly as it's written now, but because of the interest, there is at least an opportunity to discuss it further and have some more public input. As the Mayor explained, the intent was not to restrict, but to expand, and in some areas it expanded and in other areas people feel it's restricted.

Mr. Jim Gruett, owner of Gruett's Flowers, addressed Council. He's been in business for 42 years and would like to stay in business for the rest of his days. He thinks the city needs to be more business-friendly in reviewing the code to help the businesses stay in business in this economic time and with increased larger retail competition. One point he made was consistency of enforcement. He noted on Valentine's Day, the city came by and photographed a banner and window sign that he had displayed, and yet across the street from him in an auto repair shop, there's three times the banners hanging from the door. There is a grocery store that is his landlord that has signs up more than ten days, all year round. He would like to find out what the rules are so he can comply with them and stay in business.

Mr. Taylor moved to table the signage legislation until the August 26th Council meeting and the question put, stood:

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

Motion passed.

Mr. Gore told everyone that the present ordinance is in place until August 26th, so enforcement will be done by the existing ordinance. Mr. Gore said everyone agrees that we want consistency in enforcement.

Mr. Gore reminded everyone to get their comments to Mr. Greg DeLong prior to the Planning Commission meeting, which is scheduled for August 2nd at 7:00 p.m. in Council Chambers.

The ordinance “TO AMEND SEWER RATES FOR THE PUBLIC UTILITY DIVISION OF THE CITY OF MARYSVILLE” 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

Mr. Berbee congratulated the folks at Halcyon Inn. An open house was held the other day and “it’s just a wonderful addition to the City of Marysville.”

Mr. Berbee mentioned the Beautification Program. Clerk Patterson said to date, she has received six nominations. Deadline for nominations is July 15th. Mr. Berbee encouraged everyone to turn in their applications. Mayor Schmenk added that she had applications with her and encouraged folks to pick one up.

Mrs. Groat announced that Public Affairs Committee will meet on July 26th at 6:00 p.m. Topic of discussion will be Section 1143.10, Political Signs.

Mr. Taylor announced that Finance Committee will meet on Thursday, July 15th at 4:00 p.m. in Council Chambers.

Mr. Taylor encouraged everyone to get involved in all the activities happening in July.

Mrs. Richardson echoed Mr. Berbee’s sentiments on participating in the Beautification Program.

Mrs. Richardson said Parks & Recreation Commission will meet on Tuesday, July 20th at 7:00 p.m.

Mr. Gore thanked the community for one of the nicer 4th of July parades this past Sunday. He feels people are proud of our country and take pride in our flag. It was one of the better attended and there were more participants in the parade. He commended the American Legion for all they did and the fireworks. “No matter

how tough things are or what we all face, when we reach the 4th of July to celebrate our freedom; that is something that we still have - our freedom.”

Mr. Gore requested to go back into Executive Session to continue discussion on purchase of property for public purposes. Mr. Fogt moved to go into Executive Session at 7:50 p.m. seconded by Mr. Taylor and the question put, stood:

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

Motion passed.

Executive Session adjourned at 8:16 p.m.

Regular Session reconvened at 8:16 p.m.

ADJOURNMENT: There being no further business to come before Council, the meeting adjourned at 8:16 p.m.