

CITY COUNCIL MINUTES
November 13, 2017

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

MEMBERS PRESENT: Nevin Taylor, Deb Groat, Tracy Richardson, JR Rausch, Alan Seymour, Mark Reams and Henk Berbee.

OTHERS PRESENT: City Manager Terry Emery, Finance Director Justin Nahvi, City Law Director Tim Aslaner, Chief Golden, Chief Riley, Public Service Director Mike Andrako, IT Director Aaron Story, HR Director Brian Dostanko, City Planner Chad Flowers, Zoning Administrator Ron Todd, Project Manager Marc Dilsaver, Utility Engineer Kyle Hoyng and Clerk Kris Jones.

REPORTERS PRESENT: Will Channel- Journal Tribune

CITIZENS PRESENT: Tim Garrett, Jon Bills, Ross Behnfeldt, Victor Harris, Jonathan Buchanan, Jim Ohlin, David Fisher, Gary Smith, Jesse McLendon, Tony Eufinger

APPROVAL OF MINUTES: The approval of minutes for the meetings on October 23, 2017 were postponed.

ADMINISTRATIVE REPORT: Mayor Rausch appointed Jeff Ehlers to the Union County Port Authority.

Mr. Emery reported the following:

Events & Recreation

Uptown Christmas Walk & Tree Lighting

Uptown Christmas Walk & Tree lighting will be held on Monday, November 27, 2017 from 5-8pm. Enjoy live reindeer, music, kids' activities, dance performances, carriage rides, Uptown bingo with prizes, cookies and St. Nick. The lighting of the Community Christmas Tree will occur at dusk at Partners Park.

Pumpkin Dash 5k

Takes place Thursday, November 23 (Thanksgiving) at 9:00 am in Uptown Marysville.

Marysville Christmas Parade

Sunday, December 3, 2017 at 2pm in Uptown Marysville. Mr. Taylor added that walkers will meet in the football parking lot and anyone with floats will meet in the High School parking lot.

City Office Closed

City Offices will be closed Thursday, November 23, 2017 and Friday, November 24, 2017 in observance of the Thanksgiving Holiday.

Mr. Andrako reported the following:

Public Service Department, Maintenance & Operations

Refuse & Recycling Services

Trash and recycling service will be delayed Thursday, November 23, and Friday, November 24 by one day. Thursday customers must have trash and recycling out Friday by 6:00am and Friday customers should have both out by 4:00am Saturday, November 25.

There will be no yard waste or leaf collection on November 23 or 24. City crews will catch up the Thursday and Friday routes the following week beginning Monday, November 27th.

Mr. Emery also reported:

The waterline replacement project has the following updates:

- The City will execute a change order with Rock River to “non-perform” the remainder of W. Sixth Street work. All other portions of this project (Court and W. 8th Street) remain Rock River’s responsibility.
- The City will purchase all remaining materials (piping) from Rock River
- The City will execute a change order with Beheler Excavating (the Innovation Park contractor) to perform the waterline installation.
 - We are currently projecting that this contractor change will be less than our current contract while getting it completed quicker
- The City will execute a change order with Decker Construction (the Paving Program contractor) to perform the following pavement resurfacing work:
 - All of West 8th Street
 - Half of Court Street
 - All of West 6th Street (possible delay until 2018 due to weather)
- The City will begin to potentially create a “pre-qualified contractor list” to avoid this issue in the future.

Mr. Taylor asked Mr. Andrako to look into the trash left on the curb on East Fifth Street, where they are doing renovations. Mr. Andrako said he will talk with the residents.

REPORT OF CLERK OF COUNCIL: We received a request for a liquor license for 1117 W. 5th Street Inc. DBA Smokers Paradise located at 1117 West Fifth Street, Marysville, Ohio for a C1 license. C1 is for beer only in original sealed container for carryout only. Chief Golden had no objections and after discussions about Council’s options, neither did Council.

REPORT OF ECONOMIC DEVELOPMENT: Mr. Phillips discussed the meeting he had with TeamMarysville Leadership, which included City Administration and staff, on how TeamMarysville and the City could work together more in the future. There will be a second meeting to continue discussions.

COMMITTEE REPORTS: Mrs. Richardson reported the following for Public Service: We discussed an item on the agenda tonight with the State Route 31 widening project. She said there are 15 total parcels. Five of the parcels are permanent right-of-way totaling about one acre and ten parcels that are temporary easements. The Committee had no objections. The second agenda item was accepting the dedication of the Adena Pointe 3 infrastructure improvements. This is routine and the staff has inspected and recommended for acceptance. The Committee had no objections. The Committee received general updates and the big one was the one we are discussing tonight with the consent item.

Mr. Berbee reported the following for Finance Committee: The Committee reviewed the proposed updates to sections 400 through 570 of the City Policy Manual to be effective 1/1/2018; discussion on an ordinance to amend the rules and regulations of the Civil Service Commission to be effective 12/27/2017; and discussion on an ordinance for year-end appropriation transfers, supplemental appropriations and modifying the 2017 annual budget. Mr. Berbee added there might be some slight changes to what is on the agenda for November 16th Finance Committee meeting at 5pm.

PARKS & RECREATION REPORT: Mr. Reams said they are scheduled to meet next week.

HEARING OF CITIZENS:

Mr. Taylor moved to add a consent item to the agenda, and the question put, stood:
Mrs. Richardson YES; Mr. Rausch YES; Mr. Seymour YES; Mr. Reams YES;
Mr. Berbee YES; Mr. Taylor YES; Mrs. Groat YES

RESOLUTIONS:

1 st Reading Title Only	A RESOLUTION TO AUTHORIZE THE CITY OF MARYSVILLE TO JOIN A COALITION OF MUNICIPALITIES RETAINING SPECIAL COUNSEL FOR PURPOSE OF INITIATING LITIGATION TO CHALLENGE THE CONSTITUTIONALITY OF AMENDMENTS TO CHAPTER 718 OF THE OHIO REVISED CODE RELATING TO MUNICIPAL INCOME TAX AND DECLARING AN EMERGENCY
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Administration Comments: Mr. Nahvi said this resolution is relating to changes to the tax law for the centralized collection of business profit taxes that would be maintained by the State of Ohio. These changes were adopted through the most recent State bi-annual budget. There are a few flaws in the way that this change would impact municipalities. We would lose audit capabilities, cash flow stability, and will have additional fees from the State to collect these taxes.

Due to these changes, several municipalities have formed a partnership/coalition to potentially file a lawsuit against the State of Ohio to implement an injunction for the centralized collection. The Finance Department made recommendations to the Finance Committee, City Manager and Law Director about joining the coalition. The cost for participating is based on population and our cost would be \$4,000.00. Frost and Brown is the lead attorney's office for the Plaintiffs representing the coalition. Mr. Berbee asked how many municipalities are currently in the coalition. Mr. Nahvi said there is about 100, in central Ohio almost all municipalities except for Columbus have joined.

Council Comments:

Mr. Taylor moved to pass the emergency clause and the question put; stood:

Mr. Rausch YES; Mr. Seymour YES; Mr. Reams YES; Mr. Berbee YES;
Mr. Taylor YES; Mrs. Groat YES; Mrs. Richardson YES

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

Mr. Seymour YES; Mr. Reams YES; Mr. Berbee YES; Mr. Taylor YES;
Mrs. Groat YES; Mrs. Richardson YES; Mr. Rausch YES

Mr. Reams moved to waive second reading and the question put, stood;

Mr. Reams YES; Mr. Berbee YES; Mr. Taylor YES; Mrs. Groat YES;
Mrs. Richardson YES Mr. Rausch YES; Mr. Seymour YES

Citizen Comments:

Mrs. Groat moved to pass the legislation and the question put, stood:

Mr. Berbee YES; Mr. Taylor YES; Mrs. Groat YES; Mrs. Richardson YES;
Mr. Rausch YES; Mr. Seymour YES; Mr. Reams YES

2nd Reading TO AUTHORIZE THE CITY MANAGER TO ENTER INTO REAL ESTATE PURCHASE
Public Hearing CONTRACTS TO PURCHASE PARCELS OF REAL ESTATE ALONG SR 31 ASSOCIATED
WITH THE SR 31 WIDENING (PHASE 1) PROJECT, WHICH ARE TO BE USED FOR
PUBLIC PURPOSE AND DECLARING AN EMERGENCY (Permanent Parcels)

Administration Comments:

Council Comments: Mr. Taylor asked Mr. Hoyt the status. Mr. Hoyt said we are about at 50 %.

Citizen Comments:

Mrs. Richardson moved to pass the legislation and the question put, stood:

Mr. Taylor YES; Mrs. Groat YES; Mrs. Richardson YES; Mr. Rausch YES;
Mr. Seymour YES; Mr. Reams YES; Mr. Berbee YES

2nd Reading TO AUTHORIZE THE CITY MANAGER TO ENTER INTO REAL ESTATE PURCHASE
Public Hearing CONTRACTS TO PURCHASE PARCELS OF REAL ESTATE ALONG SR 31 ASSOCIATED
WITH THE SR 31 WIDENING (PHASE 1) PROJECT, WHICH ARE TO BE USED FOR
PUBLIC PURPOSE AND DECLARING AN EMERGENCY (Temporary right-of-way)

Administration Comments:

Council Comments:

Citizen Comments:

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

Mrs. Groat YES; Mrs. Richardson YES; Mr. Rausch YES; Mr. Seymour YES;
Mr. Reams YES; Mr. Berbee YES; Mr. Taylor YES

ORDINANCES:

If consent approved:

1st Reading ORDINANCE TO AUTHORIZE CITY MANAGER, DUE TO A CLEAR AND PRESENT
Title Only EMERGENCY, TO ENTER INTO A CONTRACT WITHOUT FORMAL BIDDING AND
ADVERTISING, TO REPLACE A WATERLINE AND DECLARING AN EMERGENCY

Administration Comments: (Information was given during Administration
Report)

Citizen Comments:

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

Mrs. Richardson YES; Mr. Rausch YES; Mr. Seymour YES; Mr. Reams YES;
Mr. Berbee YES; Mr. Taylor YES; Mrs. Groat YES

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

Mr. Rausch YES; Mr. Seymour YES; Mr. Reams YES; Mr. Berbee YES;
Mr. Taylor YES; Mrs. Groat YES; Mrs. Richardson YES

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

Mr. Seymour YES; Mr. Reams YES; Mr. Berbee YES; Mr. Taylor YES;
Mrs. Groat YES; Mrs. Richardson YES; Mr. Rausch YES

Citizen Comments:

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

Mr. Reams YES; Mr. Berbee YES; Mr. Taylor YES; Mrs. Groat YES;
Mrs. Richardson YES; Mr. Rausch YES; Mr. Seymour YES

1st Reading
Title Only AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$4,870,000 OF SPECIAL OBLIGATION TIF REVENUE BONDS FOR THE PURPOSE OF CONSTRUCTING CERTAIN PUBLIC INFRASTRUCTURE IMPROVEMENTS IN CONNECTION WITH THE COOK'S POINT DEVELOPMENT, INCLUDING BUT NOT LIMITED TO (I) THE CONSTRUCTION OF THE MILLWOOD/COUNTY HOME CONNECTOR ROAD AND ROADWAY IMPROVEMENTS INCLUDING GRADING, CONSTRUCTION, WATER, SANITARY SEWER, LIGHTING, AND OTHER UTILITY IMPROVEMENTS WITHIN THE ROAD RIGHT OF WAY OR ASSOCIATED WITH THE ROAD IMPROVEMENTS; AND (II) OTHER INFRASTRUCTURE IMPROVEMENTS RELATING THERETO RELATING TO THE DEVELOPMENT OF THE COOK'S POINTE SITE; AUTHORIZING THE EXECUTION OF AN AMENDED AND RESTATED SERVICE PAYMENT AGREEMENT, AN AMENDED AND RESTATED SCHOOL COMPENSATION AGREEMENT, AND ANY OTHER NECESSARY AGREEMENTS IN CONNECTION THEREWITH; AND APPROVING RELATED MATTERS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS

Administration Comments: This TIF was approved by Council in 2015, and we already have agreements with the Developers and the Schools. What we are proposing to do here is three things in this legislation. The first is to amend the service payment agreement with the developer. Second, amending the school compensation agreement with Marysville Exempted School District. Finally, authorizing the debt to be issued to build the roadway.

Council Comments: Mrs. Richardson asked how the compensation for the schools was calculated. The answer was that the TIF-debt service = school payment.

1st Reading
Title Only TO AMEND CHAPTER 1144 DESIGN REVIEW, 1144.09(A)(4), MATERIALS, OF THE CITY OF MARYSVILLE PLANNING AND ZONING CODE

Administration Comments: Mr. Flowers stated the next three pieces of legislation reference the same Chapter 1144, our Design Review. Back in 2016, we amended this chapter in totality and since then we have had questions for new developments regarding design review and new materials. Copies of the proposed amendments are attached to the legislation for Council to review.

Council Comments:

1st Reading
Title Only TO AMEND CHAPTER 1144 DESIGN REVIEW, 1144.10(a)(5), MATERIALS, OF THE CITY OF MARYSVILLE PLANNING AND ZONING CODE

Administration Comments:

Council Comments:

1st Reading
Title Only TO AMEND CHAPTER 1144 DESIGN REVIEW, 1144.11(a)(2), MATERIALS, OF THE CITY OF MARYSVILLE PLANNING AND ZONING CODE

Administration Comments:

Council Comments:

1st Reading
Title Only TO AMEND CHAPTER 709, OIL AND GAS WELLS, OF THE CODIFIED ORDINANCES OF CITY OF MARYSVILLE

Administration Comments: Mr. Todd spoke in regards to Chapter 709, we are changing the chapter to prohibit oil and gas wells, we will leave the first section in the chapter and the penalties section in case someone wants to build an oil and/or gas well. There are no oil or gas wells in Central Ohio.

Council Comments:

1st Reading
Title Only TO AMEND CHAPTER 717.03, CONTRACTOR'S LICENSE, SURETY BOND, OF THE CODIFIED ORDINANCES OF CITY OF MARYSVILLE

Administration Comments: Mr. Dilsaver said they have removed the option for cashier's check because it tends to expire prior to the year and work being finished. It details the amounts we require.

Council Comments:
1st Reading AUTHORIZING APPROPRIATION TRANSFERS, ADDITIONAL APPROPRIATIONS,
Title Only REDUCTION IN APPROPRIATIONS AND MODIFYING THE 2017 ANNUAL BUDGET
 AND DECLARING AN EMERGENCY

Administration Comments: Mr. Nahvi went through the appropriations that are attached to the legislation. These were discussed during the Finance Committee meeting on November 9, 2017.

Council Comments:

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

Mr. Berbee YES; Mr. Taylor YES; Mrs. Groat YES; Mrs. Richardson YES;
Mr. Rausch YES; Mr. Seymour YES; Mr. Reams YES

2nd Reading ADOPTING A CAPITAL BUDGET FOR 2018
Public Hearing

Administration Comments:

Council Comments:

Citizen Comments:

2nd Reading ADOPTING AN ANNUAL OPERATING BUDGET FOR 2018
Public Hearing

Administration Comments:

Council Comments:

Citizen Comments:

2nd Reading 2018 ANNUAL APPROPRIATION ORDINANCE
Public Hearing

Administration Comments:

Council Comments:

Citizen Comments:

2nd Reading AMENDING ANNUAL COMPENSATION ORDINANCE FOR ALL CITY EMPLOYEES –
Public Hearing 2018

Administration Comments:

Council Comments:

Citizen Comments:

2nd Reading TO AMEND SECTION 400 (PAY POLICIES) AND SECTION 500 (BENEFITS POLICIES)
Public Hearing OF THE CITY OF MARYSVILLE POLICIES MANUAL

Administration Comments: Mr. Emery stated that they are going to discuss the in legislation at the November 16th Finance Committee meeting.

Council Comments:

Citizen Comments:

2nd Reading TO AMEND ORDINANCE 18-15, RULES AND REGULATIONS OF THE CIVIL SERVICE
Public Hearing COMMISSION

Administration Comments:

Council Comments:

Citizen Comments:

2nd Reading TO APPROVE A ZONING MAP AMENDMENT TO REZONE +/- 68.31 ACRES
Public Hearing (PARCEL# 2900190480030 & 2900190480010) FROM AN EXISITING PLANNED
UNIT DEVELOPMENT (PUD) TO A PROPOSED NEW PLANNED UNIT
DEVELOPMENT (PUD) ON PROPERTY LOCATED AT THE NORTHWEST CORNER OF
SR 38/LONDON AVENUE AND BOERGER ROAD

Administration Comments: Mr. Flowers said that applicant is here to discuss any issues that Council may have.

Council Comments: Mr. Taylor asked if the applicant was going to discuss any of the road concerns that he had. Mr. Hoyt stated the road at 736 and the hill on State Route 38, they are looking at the upcoming OPWC schedule and looking at addressing those in 2020. These are preexisting condition and they do not feel right putting it on the developer to fix. Mr. Taylor stated he feels that the development will give us more traffic which will flood on to Boerger Road. There is no way looking at the development that cannot be addressed

before approval. Mr. Hoyt stated due to the traffic study that was performed there was no issues.

Mrs. Groat stated she is not going to vote in favor of the zoning map amendment because those people on Boerger Road did not purchase the lots thinking that a housing development would be put in that field.

Mr. Seymour brought up the mention that there is only one way to get to the back of the development and if there is an accident, there is no way for fire personnel to get back there. Mr. Smith stated he understands and there is options that they can do. Council suggested using two lots and making the road connect to make another entrance to the back of the development.

Citizen Comments:

COMMENTS OF THE CITY MANAGER AND COUNCIL PERSONS AND GENERAL DISCUSSION:

Council discussed moving the November 27th City Council meeting due to the Christmas Walk. Council voted on moving the start time to 7:30pm for the November 27th City Council meeting.

Mrs. Groat reported that Public Affairs/Safety will meet November 27th at 6:30pm. She encouraged all of Council members to attend the meeting as they are discussing code revisions.

Mrs. Richardson congratulated Mr. Rausch, Mr. Reams and Mr. Berbee on a hard fought election. She also congratulated Mr. Aslaner on being re-elected. Mrs. Richardson thanked Mrs. Dible for filling in while Mrs. Jones was out. Mrs. Richardson wanted to once again recognize our community for their support and recognition of veterans. She said it makes her very grateful to live here and thanked all who made it a special holiday. The next Public Service meeting will be on November 21st at 6pm.

Mr. Berbee asked about the new sign in procedure for meetings. Do the staff that normally comes in the backdoor need to go sign in as well. Mr. Emery stated we know which staff members are usually in the meetings, and it would not be necessary for them to sign in as well. He thanked Chief Riley for the Pumpkin Drop, it was a lot of fun.

Mr. Seymour said we gave thanks on Veteran's day, also give thanks on Thanksgiving Day.

Mr. Taylor thanked everyone for changing the time of the next meeting. He thinks that they might have made some developers very nervous as they left right after their presentation. He said they have learned from lessons in the past where we did not vent things out in front of everyone up front, he has no problems with what they vented tonight. He encouraged Council members to talk with the residents on Boerger Road. He asked Mr. Hoyt to convince him that we have a good avenue and are working on it. He also mentioned if it would have come to a

vote tonight he is not sure that he would be in favor. He loves everything they did on the inside except for the fire lane. He is concerned about the fire lane and Boerger Road.

Mr. Rausch reported that a couple weeks ago he and Mr. Berbee had an opportunity to meet with a contingent from the Netherlands. We talk about the 33 Smart Corridor, and they are very proud they are head of the United States in the smart autonomous and smart vehicle testing. This is a very good relationship between the two countries. Mr. Rausch also spoke with a gentleman that was on his City's Council. We had the first conversation about setting up a sister city in the Netherlands.

Mr. Rausch and Mr. Phillips are going Thursday night to see the Consulate General for the Emperor's birthday. Marysville is definitely becoming a global place.

Mr. Rausch thanked everyone for their votes during the election. He said we are going to have a lot of land use decisions, if you have a house and you have an open field for the view, his suggestion would be to buy the field. The fields are starting to disappear in Marysville.

Mr. Taylor asked if we need another budget work session. Mr. Rausch and Council agreed that they feel comfortable with the budget, another work session is not needed.

Mr. Emery said he appreciates the questions that they had over the budget, and please contact Mr. Emery or Mr. Nahvi if you have any questions. Mr. Emery thanked everyone for their involvement with the budget process.

ADJOURNMENT: There being no further business to come before Council, the meeting was adjourned at 8:47pm.