

**CITY COUNCIL MINUTES**  
**December 18, 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, Dep. Chief Spain, Chief Riley, Public Service Director Michael Andrako, City Engineer Jeremy Hoyt, IT Director Aaron Story, City Planner Chad Flowers, and Clerk Kris Jones.

**REPORTERS PRESENT:** Will Channel- Journal Tribune

**CITIZENS PRESENT:** Doug Bressler, Tim Garrett, Katie Crocco & Yarko, John Connolly, Ross Behnfeldt, Jon Bills, Jon Buchanan, Robert Anderton, Jim Ohlin, Gary Smith, Kathy Young, Tim K., Eric Heiel, Julie Spain, Ben Vollrath, Carol Gibson, Josh Dillahunt, Dave Laslow, Donald Boerger, David Gibson, Doug Olson, Meg Michel

**APPROVAL OF MINUTES:** The approval of minutes for the meeting on December 11, 2017.

**ADMINISTRATIVE REPORT:** Mayor Rausch reappointed Daryl Ingram to Cemetery Advisory Board and Tom Eley and Avanelle Oberlin to Parks & Recreation with the consent of Council.

Mayor Rausch recognized Mr. Emery for receiving an award from ICMA for having 30 years in local government service.

Mr. Rausch moved to add the Cook's Point TIF legislation back on the agenda, 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. Emery reported the following:*

**Administration**

**2016 CAFR**

Tim Kraft from the Ohio Auditor of State's Office is with us tonight to present an award to the City of Marysville for the 2016 CAFR.

**City Offices Closed**

City offices will be closed Monday, December 25, 2017 in observance of Christmas Day and also on Monday, January 1, 2018 in observance of New Year's Day.

## **Events & Recreation**

### **Santa's House**

Santa's House(at Partners Park) will be open on Thursday, December 21<sup>st</sup> from 5-7pm and on Saturday, December 23<sup>rd</sup> from 10am to noon.

*Mr. Andrako reported the following:*

## **Public Service Department, Maintenance & Operations**

### **Road Closure**

The intersection of Main Street/5<sup>th</sup> Street will be closed Tuesday, December 19<sup>th</sup> from 11:45pm to 5:00am for traffic signal maintenance.

### **REPORT OF CLERK OF COUNCIL:**

**REPORT OF PLANNING COMMISSION/DESIGN REVIEW BOARD:** Mr. Flowers presented the following for Planning Commission:

1. Proposed Owner: Connolly Construction Co. Applicant: Connolly Construction Co. Location: W 5th Street, Bethel Woods Request: To hear a request for a Zoning Map amendment to rezone +/- 14.043 acres (parcel #2900190800020) on W 5th Street from Traffic Oriented Commercial (TOC) to High Density Multi-family Residential (R-5)- approved.

Mr. Flowers presented the following for Design Review Board:

1. Exterior Plan/Landscape Plan: An application for a proposed 101 room hotel on Coleman's Crossing Blvd in the SD1 (Special District One) Zoning District (Home 2 Suites by Hilton). – approved.
2. Exterior Plan/Landscape Plan: An application for building and site modifications at the existing Hampton Inn hotel located at 16610 Square Drive in the TOC (Traffic Oriented Commercial) Zoning District- approved.
3. Certificate of Appropriateness in the Historic Design Review District: An application for new signage and building modifications (new entry door) at property located at 323 W Fifth Street (Marco's Pizza) in the BR (Business Residential) District- approved.

**COMMITTEE REPORTS:** Mr. Berbee reported Finance Committee met and discussed the monthly financial statements for November and had a secondary discussion on aligning the bad check fee of \$20 for income tax collection to match the \$30 bad check fee for utility collections. The Committee discussed the items and decided that they would charge a \$25 fee for both income tax and utility collection bad checks.

Mrs. Groat reported that all three items on the agenda for tonight were tabled to January 22<sup>nd</sup>.

**PARKS & RECREATION REPORT:** Mr. Reams reported that Parks & Rec will meet on December 19<sup>th</sup> at 7pm.

**HEARING OF CITIZENS:**

**RESOLUTIONS:**

**ORDINANCES:**

1<sup>st</sup> Reading TO APPROVE A ZONING MAP AMENDMENT TO REZONE +/- 14.043 ACRES  
Title Only (PARCEL # 2900190800020) ON WEST FIFTH STREET FROM TRAFFIC ORIENTED  
COMMERCIAL (TOC) TO HIGH DENSITY MULTI-FAMILY RESIDENTIAL (R-5)

**Administration Comments:** Mr. Flowers said this application was before the Planning Commission last month, and was recommended for approval with a vote of 6-1. The sight division is where the Bethel Woods Development which is south of the Kroger building. Mr. Connolly said they picked multi-family for this lot because Marysville is growing and there is really a severe housing shortage. He said we are blessed and fortunate to live where people want to live. He said they have pursued R-5 instead of R-4. He said with R-5 you have more efficient buildings and more green space. He said there are no plans for the area right now. He said there is no buyer or contract for the area. He thinks it is a good site.

**Council Comments:** Mr. Taylor stated this has always been Maclvor Woods to him, even the area Mr. Connolly called Bethel Woods. His concern is that any development in there other than keeping to the nature area is disrespectful to Maclvor Woods. He is not a person that will vote for something without knowing what the potential is for the project. The egress to this property has to come from the Kroger's area. He has not seen anything from the Kroger Company expressing letting them do this. Mr. Taylor's concern is us taking more away from the Maclvor Woods property which is not what he would like.

Mrs. Richardson said they rezoned it to TOC recently and what happened between then and now.

Mr. Connolly stated he would address all of those concerns. This was rezoned to TOC before Connolly owned it and they think at the time there might have been good reasons to have it zoned TOC. He thinks that it makes an easier buffer between the TOC and where the AR is located. They have not changed any of the zoning on the site, it is still zone as the prior owners had it.

**Citizen Comments:**

2<sup>nd</sup> Reading TO AMEND CHAPTER 729, WASTE DISPOSAL FACILITIES OF THE CODIFIED  
Public Hearing ORDINANCES OF THE CITY OF MARYSVILLE

**Administration Comments:**

**Council Comments:**

**Citizen Comments:**

**Back for third reading, title only on January 8, 2018.**

2<sup>nd</sup> Reading TO ACCEPT THE DEDICATION OF THE ADDITIONAL RIGHT-OF-WAY ON WALNUT  
Public Hearing STREET

**Administration Comments:**

**Council Comments:**

**Citizen Comments:**

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

Mr. Reams YES; Mr. Berbee NO; Mr. Taylor YES; Mrs. Groat YES;  
Mrs. Richardson NO; Mr. Rausch YES; Mr. Seymour YES

2<sup>nd</sup> Reading TO AUTHORIZE THE CITY MANAGER TO ACCEPT THE PURCHASE OF A UTILITY  
Public Hearing EASEMENT AT THE INTERSECTION OF COLEMAN'S CROSSING BOULEVARD AND  
EAST FIFTH STREET

**Administration Comments:**

**Council Comments:**

**Citizen Comments:**

2<sup>nd</sup> Reading ORDINANCE ESTABLISHING CHAPTER 343, LOW-SPEED VEHICLES, OF THE  
Public Hearing CODIFIED ORDINANCES OF THE CITY OF MARYSVILLE

**Administration Comments:** Mr. Aslaner stated this is still being discussed in Committee and would be need to be tabled to either the first meeting in February or January 22<sup>nd</sup>.

**Council Comments:**

**Citizen Comments:** Mr. Richards owns a UTV and explained that the law that was passed in January of this year. They found out that golf carts can be inspected by the Sheriff's Office but the UTV's cannot. The 25 mph restriction is 35 and below in the ORC. He does not like all the restrictions to the streets that are being excluded from use.

Mrs. Richardson moved to table the legislation to February 12, 2018 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

3<sup>rd</sup> 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 stated that he handed out a packet of the updates from the developers and a sheet how the last PUD compares to this PUD. (See attached)

**Council Comments:** Mr. Taylor thanked the developers for meeting with the property owners, and he is looking forward to hearing them speak. Mr. Taylor asked are they definite on lots 160-164 that come straight out on Boerger Road. He was worried about the lights coming in Mr. Bressler's house across the street and the visibility of the area. Mr. Smith stated they need to keep those two lots because they have already given up so much and they set back far enough that visibility will not be an issue.

**Citizen Comments:** Mr. Smith went through all the updates from the last meeting. He said they have had a meeting with all the owners as per Council's request. (see attached) He said we have really worked hard with the City to get where we are today. Mr. Smith stated we went through Planning Commission with a 7-0 vote and then we come to Council and have such difficulty, is this

normal. He said they feel like there are a lot of benefits to the communities and a lot benefits to the owners.

Mr. Berbee asked about the connector on Street A to connect to 38 to 736. How much are we looking at? Mr. Hoyt said to combination of 38 and 736 is about \$1.2 million.

Mr. Bills gave an example of how the build out would take place, there would not be residents in there until 2019, and complete build out wouldn't take place until 2021.

Mrs. Richardson said she wishes this would have come eight months down the road and give us time to revisit our Comp Plan, structure plan, and look at how to extend the road at 736. She said if they came back, she would be more supported after viewing all the work they have done.

Mr. Seymour spoke but audio was low could not hear his comments.

Mr. Laslow thanked the developer for meeting with the residents and all that they have done. As a business man, he feels the developer's pain, you have to do what you have to do to make money, and they have gone over the top with some of the comments. His biggest concern is that everything from Timberview below that is a really nice neighborhood and larger lots, and the safety concerns for Boerger Road.

Mr. Gibson thanked Council for their due diligence and comments tonight. He is impressed with the concerns and thinks Council is right on with the residents. The safety of Boerger Road is a big concern. He said they still do not like the smaller homes, he feels that it is a good project just not in that area.

Mr. Dillahunt said that he does not feel that the lot sizes are consistent with the area. He has not seen any large homes that Ryan's selling, so if they are only selling small lots then that is what will make them their money. He said there are young people that are looking for larger lots. There is no place in the City or County to buy large lots.

Mr. Bressler agreed with everyone's comments and does not think that the project compliments the area at all. He has looked at the product line of the developer but he wasn't impressed. The land between Timberview and Timber Trails is all larger lots. The property owners like not having houses backed up to them. He does not feel that this is a good fit, it seems like it would look out of place.

Mrs. Gibson stated that the Comprehensive plan in 2010 stated that this area needed to maintain the rural setting. She does not feel that this plan, conforms to the Comprehensive Plan. She is still not convinced that there is a market for 1,100 square feet, \$300,000 homes, which is well over \$200.00 per square foot. She does not feel that this plan fits in the area. She also feels that we are being disrespectful to the City Council in 2010 if they overlook the Comprehensive Plan.

Ms. Michel said that the project does not fit in the area, however, she hopes that another project will come because there is nowhere to build under \$300,000.

Ms. Crocco does not feel that it is fair to punish any developer for the City not getting the 38/736 connector done, it has needed done. She said it is good to hear that it has been slated. The concern of growing too quick, she said we are growing and we have to some where to put these people. She said the biggest change for Boerger Road was being annexed into the City.

Mr. Boerger wanted to give kudos to Mrs. Richardson for talking about infrastructure. In the City Planning world, growth for the sake of growth is like a cancer cell because nothing flows and everything is chaotic. Going back to codes, we are here because of the tree issue, the Comprehensive Plan says staying in a Farm like rural area, and then in the code they wanted to level all the trees in that area. He said he feels that they put things in and everything is always an afterthought. This is not an afterthought and the developers know, because he pushed really hard and got rid of a lot of houses. He said they also shifted houses with garages on the side because he wants to see unique neighborhoods. He is tired of seeing cookie cutter neighborhoods going up in the City. He hopes in the future that moving forward we can plan for the future and 20-30 years down the road and not wait like this to happen.

Mr. Rausch stated that Mr. Boerger is actually on the Committee that it is their responsibility to do what he was suggesting.

Mr. Garrett said that we have not shrunk the density. He has lived in Marysville for over 40 years and understands the Boerger Road. What has the housing development at the other end of Boerger Road done to diminish the values of the properties? Nothing has been done, so why do we think this project will. He lives on Hickory Drive and liked his view so much behind his house that he bought it. No one has asked to buy a portion of the land behind their homes to help control their view.

Mr. Bills stated that they have lost a lot of homes due to concessions, however what they would be willing to do as they go through the amendments is to give an impact fee of \$250.00 per lot.

Mr. Taylor suggested that they table the legislation to give them two weeks to obtain additional information. Mr. Rausch stated he is not sure about continuing for two weeks, if people aren't going to change their minds. Mrs. Groat suggested voting on the amendments tonight and then tabling the legislation until January 8<sup>th</sup> in order to collect additional information.

Mr. Reams moved to pass the amendments presented to Council 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

Mr. Taylor moved to table the legislation for January 8, 2018 and the question put, stood:

Mrs. Groat YES;      Mrs. Richardson YES;      Mr. Rausch YES;      Mr. Seymour NO;  
Mr. Reams YES;      Mr. Berbee NO;      Mr. Taylor YES

3<sup>rd</sup> Reading      ACCEPTING THE DEDICATION OF THE ADENA POINTE SECTION 3 PUBLIC  
Title Only      INFRASTRUCTURE

**Administration Comments:**

**Council Comments:**

**Citizen Comments:**

Mrs. Groat moved to pass the legislation 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

3<sup>rd</sup> Reading      TO AMEND THE BOUNDARY MAP OF THE HISTORIC UPTOWN MARYSVILLE  
Public Hearing DESIGN REVIEW DISTRICT, OF THE CITY OF MARYSVILLE

**Administration Comments:** Mr. Aslaner stated that we are going to table the next 6 pieces of legislation until January 22, 2018 due to some notification issues.

**Council Comments:**



**Citizen Comments:** Ms. Michel said when we are looking at the uses for the Uptown Commercial, we might need to expand the uses.

Ms. Spain stated she is there representing Applied Electric and Randy Brown's trucking company. Her comments are regarding the proposed amendment. She said when you look at the map, we have pulled in Applied Electric and a very big trucking company. She said if Council is not going to approve the amendment to include uses like electrical work, and the bringing and carrying out of freight. She would like to see them taken out of the area, and it is very small section.

Mrs. Richardson asked if they were grandfathered in. Mr. Rausch stated yes. Ms. Spain stated that is not the only problem because if they want to expand their business they are not able to do so.

Ms. Michel handed out a packet to the Council about SIC codes. (Attached)

Mr. Hiegil suggested that Council change the names of the districts, because being in a preservation district is hard to get grants to make improvements to the homes. Mr. Flowers stated that they can definitely look into the changing of names for the districts.

Mr. Taylor moved to table the legislation to January 22, 2018 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

3<sup>rd</sup> Reading    TO AMEND THE CITY ZONING MAP AND CHAPTER 1137, DISTRICT REGULATIONS  
Public Hearing (1137.33 UPTOWN SINGLE FAMILY RESIDENTIAL DISTRICT (U-SF)), OF THE CITY  
OF MARYSVILLE PLANNING AND ZONING CODE

**Administration Comments:**

**Council Comments:**

**Citizen Comments:** Mr. Heigel asked Council to consider notifying the public better when changes are made to legislation which includes map changes. He was worried because he is still remodeling the home (duplex) and if he does not have it restored by a certain date it would revert back to single family home. Mr. Taylor assured him that it would not reverted back to a single family, it is still considered a duplex.

Mr. Reams moved to table the legislation to January 22, 2018 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

3<sup>rd</sup> Reading TO AMEND THE CITY ZONING MAP AND CHAPTER 1137, DISTRICT REGULATIONS  
Public Hearing (1137.34 UPTOWN MULTI-FAMILY DISTRICT (UMF)), OF THE CITY OF MARYSVILLE  
PLANNING AND ZONING CODE

**Administration Comments:**

**Council Comments:**

**Citizen Comments:**

Mrs. Richardson moved to table the legislation to January 22, 2018 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

3<sup>rd</sup> Reading TO AMEND THE CITY ZONING MAP AND CHAPTER 1137, DISTRICT REGULATIONS  
Public Hearing (1137.35 UPTOWN TRANSITIONAL DISTRICT (U-T)), OF THE CITY OF MARYSVILLE  
PLANNING AND ZONING CODE

**Administration Comments:**

**Council Comments:**

**Citizen Comments:** Ms. Michel asked Council to review Main Street South to see where it should actually fall in the new districts because there are no family homes.

Mrs. Richardson moved to table the legislation to January 22, 2018 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

3<sup>rd</sup> Reading TO AMEND THE CITY ZONING MAP AND CHAPTER 1137, DISTRICT REGULATIONS  
Public Hearing (1137.36 UPTOWN COMMERCIAL DISTRICT (U-C)), OF THE CITY OF MARYSVILLE  
PLANNING AND ZONING CODE

**Administration Comments:**

**Council Comments:**

**Citizen Comments:**

Mrs. Groat moved to table the legislation to January 22, 2018 and the question put, stood:

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

3<sup>rd</sup> Reading    TO AMEND CHAPTER 1135, DISTRICT ESTABLISHMENT AND PURPOSE, OF THE  
Public Hearing CITY OF MARYSVILLE PLANNING AND ZONING CODE

**Administration Comments:**

**Council Comments:**

**Citizen Comments:**

Mrs. Groat moved to table the legislation to January 22, 2018 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

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

Mr. Emery said it is the last meeting of the year, he thanked Council for everything. The community and the dynamics are changing, which will bring many things to work on. Marysville is a popular city for many reasons. Moving into the New Year he looks forward in working closely together on upcoming projects. He thanked Mr. Flowers for all his hard work in the uptown district and it has been long overdue. Mr. Emery is excited for 2018 and lots of productivity.

Mr. Taylor stated there will be a special Finance Committee meeting on January 4, 2018 at 5pm to discuss funding for the roads. He reported that the Volunteer Firefighter Dependent Fund Committee will meet on January 8, 2018 at 6:30pm. The Cemetery Advisory Board will meet on January 10, 2018.

Mrs. Groat reported that January 2, 2018 from 6:30pm to 8pm at the Marysville Public Library will be the Ward 3 meeting. Public Affairs/Safety will meet on January 22, 2018 at 6pm. Finally she wished everyone a Merry Christmas.

Mrs. Richardson echoed Mr. Emery's comments and is proud to be part of the team. She congratulated Mr. Emery and Mr. Nahvi for their awards. She thanked the staff for all they do, and congratulated the Councilmen and Mr. Aslaner for being sworn in tonight. She ended with wishing everyone a very Merry Christmas.

Mr. Seymour stated that Planning Commission works hard and also has to deal with turn overs in their membership. He feels that some of the membership's input is not where it should be, and they have a hard time at saying no. He said just because Council does not accept the recommendations from Planning Commission doesn't mean they did work hard, they just did not dig deep enough. He encouraged Mr. Flowers to keep moving forward with the uptown.

Mr. Reams encouraged everyone to walk out through the Maclvor Woods, he said it is very nice and will be very nice in the spring time.

Mr. Berbee echoed Mrs. Richardson comments.

Mr. Rausch reminded Council to get recommendations for Mrs. Jones and Mr. Emery's evaluations turned in to him. He announced there is an opening on Planning Commission at the end of this year, and Mr. Flowers has already posted the position. Mr. Rausch was appreciative that everyone was able to be sworn-in tonight at the same time. He said that being on this Council will have a profound impact on the next four years for the City. He also likes how they all respect each other and can have a difference of opinion, which is the way it should work. Mr. Rausch finished the meeting by wishing everyone a Merry Christmas and Happy New Year.

ADJOURNMENT: There being no further business to come before Council, the meeting was adjourned at 10:19pm.