

CITY COUNCIL
AGENDA FOR MEETING OF MAY 14, 2018
7:00 P.M. – COUNCIL CHAMBERS – 209 S. MAIN STREET

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

INVOCATION:

ROLL CALL:

APPROVAL OF MINUTES: The minutes from the April 23, 2018 meeting.

ADMINISTRATIVE REPORT:

REPORT OF CLERK OF COUNCIL:

REPORT OF ECONOMIC DEVELOPMENT:

COMMITTEE REPORTS:

PARKS & RECREATION REPORT:

HEARING OF CITIZENS:

RESOLUTIONS:

1st Reading TO AUTHORIZE PARTICIPATION IN THE ODOT WINTER CONTRACT (018-19) FOR ROAD SALT
Title Only AND DECLARING AN EMERGENCY

2nd Reading RESOLUTION AUTHORIZING THE CITY MANAGER AND/OR APPOINTED DESIGNEE TO SUBMIT AN
Public Hearing APPLICATION ON BEHALF OF THE CITY OF MARYSVILLE TO THE STATE OF OHIO COMMUNITY
DEVELOPMENT BLOCK GRANT (CDBG) SMALL CITIES PROGRAM FOR AN AMOUNT NOT TO EXCEED
\$150,000 OF FY 2018 COMMUNITY DEVELOPMENT ALLOCATION GRANT FUNDS

ORDINANCES:

2nd Reading TO ENACT CHAPTER 730, CLOTHING DONATION CONTAINERS; RECYCLE BINS, OF THE CODIFIED
Public Hearing ORDINANCES OF THE CITY OF MARYSVILLE

3rd Reading TO AMEND CHAPTER 714, MOBILE FOOD VEHICLE/VENDORS, OF THE CODIFIED ORDINANCES OF
Title Only THE CITY OF MARYSVILLE

3rd Reading TO AMEND CHAPTER 1303, DEMOLITION OF BUILDINGS, OF THE CODIFIED ORDINANCES OF THE
Title Only CITY OF MARYSVILLE

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

ADJOURNMENT:

SPECIAL CITY COUNCIL MINUTES
April 23, 2018

The meeting was called to order by President Rausch at 6:38 p.m.

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

Agenda:

Mrs. Richardson moved to enter into executive session to discuss the employment of a public employee or official. Mr. Taylor seconded, 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

ADJOURNMENT: There being no further business to come before Council, the meeting was adjourned to Executive Session at 6:38 p.m. Being no further business to come before Council the executive session was adjourned at 7:10pm. The meeting was adjourned at 7:10pm.

CITY COUNCIL MINUTES

April 23, 2018

The meeting was called to order by President Rausch at 7:10 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, Chief Golden, Battalion Chief Ropp, Public Service Director Michael Andrako, City Engineer Jeremy Hoyt, Zoning Administrator Ron Todd, Code Enforcement Zach Andrews, Project Manager Marc Dilsaver, and Clerk Kris Jones.

REPORTERS PRESENT: Will Channel- Journal Tribune

CITIZENS PRESENT: Josh Zweizig, Eric Phillips, Anthony Will, Holly Zweizig, Andy Zweizig, Maggie Zweizig, Tim Schacht, Ben Vollrath

APPROVAL OF MINUTES: The minutes for the meeting on April 9, 2018 were approved as presented.

ADMINISTRATIVE REPORT: Mayor Rausch gave Josh Zweizig a Commendation for obtaining his Eagle Scout Designation.

Mr. Emery reported the following:

Recreation & Events

Stream Cleanup

The Stream Cleanup is scheduled for Thursday, April 26 from 4:00 to 6:00 pm at Schwartzkopf Park. Please contact Jeremy Hoyt to sign up or for additional information. He also mentioned the TeamMarysville event that took place this past weekend called Hook up to clean up. They picked up 523lbs of trash in the uptown area.

Arbor Day

A tree will be planted at Lewis Park this Friday, April 27 at 8 am, in observance of Arbor Day.

Document Shredding & E-Recycling Event

Saturday, April 28 from 9:00 am - noon at Marysville Police & Municipal Court, 1250 W. 5th Street. Items accepted include: computers, cameras, personal & confidential documents, servers, VCR's, cell phones, keyboards, battery backup systems, scanners, printers, and fax machines.

Municipal Pool Season Passes

Municipal Pool season passes are available for purchase at a 15% discount through April 30. Pool passes may be purchased in person at City Hall and online at marysvilleohio.org. Pool opens for the season on Saturday, May 26.

Mr. Nahvi reported the following:

Finance Department

Utility Bills Delivery Delay

The April 2018 utility bills were delivered to customers by the Postal Service on 4/20/18. Finance Department personnel have a conference call with the bill printing vendor to begin discussions on transitioning this service to Huntington Bank this summer in an effort to resolve the delayed delivery of utility bills to customers.

Mr. Taylor asked if there was a company that would be able to do it for us locally. Mr. Nahvi stated the best option is to have Huntington Bank print the bills at their Easton office and send them out.

Mr. Andrako reported the following:

Public Service Department, Maintenance & Operations

Park Restrooms

Park crews will continue work to open restrooms throughout the week.

American Legion Park

Street crews working on finishing up work at Legion, seeding and installing trail. Will move on to the other culvert near Park Ave in the next two weeks. Mr. Andrako also commented if they cannot get the project done on Park Avenue before Memorial Day, they will not start the project.

Water Main Installation

Water main installation on S Plum St (6th St to 7th St) is complete. Asphalt has been placed in trenches, street paving will occur in June/July with the paving contract. The delay with the asphalt was because the company was doing renovations.

Mr. Hoyt reported the following:

Engineering Department

Construction Updates

SR 38 Lowering Project: The SR 38 Lowering project will go out for bid on Tuesday (4/24) with a bid opening date of May 15th.

SR 31 Construction: This week, the SR 31 contractor will be mobilizing to the site, installing erosion and sediment control and setting up the maintenance of traffic. Construction is expected to begin next week. The City's message boards are currently placed within the project limits stating that construction begins on 4/30.

Yard Restoration: Now that the weather has improved, yard restoration continues for last year's Uptown waterline project.

2018 Paving Program: Concrete work associated with the 2018 Paving Program continues on the south side of the City.

Weekly Construction Updates

Due to the number of projects ongoing within the City this summer, City Staff will be creating a "construction update" template (that can be shared via social media) to keep the public in the loop regarding the status of these construction projects. Mr. Emery reported that there is \$13 million in projects going on this season, a lot of it is grant funds or funding from the State.

REPORT OF CLERK OF COUNCIL: Mrs. Jones explained to Council that there is a request for a liquor license, however, it is just changing the name in ownership from Th Midwest Inc, DBA Local MKT 715 to Local MKT LLC, DBA Local MKT 715. There were no objections from Council.

REPORT OF PLANNING COMMISSION/DESIGN REVIEW BOARD: Mr. Schacht stated there was no Planning Commission meeting for April. The Design Review Board met and had two agenda items which were:

1. Exterior Plan/Landscape Plan: An application to construct a new self-storage (mini storage – public) facility on property located in the northeast corner of Collins Ave and SR 4 in the B-1 (Service Business District) Zoning District-withdrawn by applicant.
2. Exterior Plan/Landscape Plan: An application for a proposed 4-story Springhill Suites by Marriott hotel located at the northeast corner of Lydia Drive and Connolly Street (City Gate Development) in the TOC (Traffic Oriented Commercial) Zoning District- approved with conditions.

COMMITTEE REPORTS: Mrs. Richardson reported that Public Service met on the 17th and had one agenda item. The item is on the Council agenda for tonight, the CDBG fund, which will be used to repair sidewalks on E. Fifth Street and Elwood. General updates on the various projects were given to the Committee. Public Service Department always does a good job with the updates.

Mr. Berbee stated that the Finance Committee met on April 19th, they discussed the home improvement program for residents for portions of their residents that face the street. They were given a wastewater capacity fee update. There was a discussion on the Schwartzkopf Park ball fields, and the work being done to repair the fields after the flooding. The financial report looked favorable.

Mrs. Groat stated the Public Affairs/Safety Committee reviewed old code, Chapters 130 and 713 with Mr. Todd. They also finished the discussion on, on street parking, legislation will be coming to the Council soon. They finished up the meeting by touching on the Council Rules, which might have to be moved to a work session to finish discussing. The last Public Affairs/Safety meeting will be on May 21st at 6pm.

PARKS & RECREATION REPORT: Mr. Reams reported that Parks & Rec. met on April 17th, where they discussed the kayak launch at the Reservoir; ball fields at Eljer and Schwartzkopf Parks; and bird watching event. Mr. Reams stated a group called Hope Matters came to the meeting and is very motivated to partner with the City and raise funds to build an ADA friendly playground structure. Mr. Emery added there were a lot of good comments from the bird watching event.

HEARING OF CITIZENS:

Mr. Berbee moved to add the item to the consent agenda 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

RESOLUTIONS:

(If approved)

One Reading A RESOLUTION IN SUPPORT OF NAMING TRANSPORTATION RESEARCH CENTER A
Only FEDERAL PROVING GROUND

Administration Comments: Mr. Phillips stated that the Federal government named ten proving grounds across the US and TRC was not one of them. TRC is one of the largest proving grounds in the US. He is trying to secure letters of support from as many entities as possible to get TRC added to the list. A Federal proving ground is able to apply for grant funding for the facilities.

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

One Reading A RESOLUTION DECLARING MAY 2018 AS HISTORIC PRESERVATION MONTH IN
Only THE CITY OF MARYSVILLE

Administration Comments: Mr. Emery added this is an annual resolution from TeamMarysville naming May Historic Preservation month.

Council Comments:

Citizen Comments:

Mrs. Richardson 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

One Reading Only RESOLUTION AUTHORIZING THE CITY MANAGER TO COOPERATE AND ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION TO RESURFACE A PORTION OF US 33

Administration Comments: Mr. Hoyt stated that ODOT is going to resurface a portion of US 33 from Delaware Avenue to Scottslawn Road at no cost to the City.

Council Comments:

Citizen Comments:

Mrs. Richardson moved to pass the legislation 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

1st Reading Title Only RESOLUTION AUTHORIZING THE CITY MANAGER AND/OR APPOINTED DESIGNEE 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 AN AMOUNT NOT TO EXCEED \$150,000 OF FY 2018 COMMUNITY DEVELOPMENT ALLOCATION GRANT FUNDS

Administration Comments: Mr. Dilsaver stated the CDBG request is typically a yearly request for \$75,000, however, they have made it \$150,000 for every other year. Mr. Emery asked Mr. Dilsaver to explain what they plan on using the funds for this year. Mr. Dilsaver stated to repave the sidewalks on E. Fifth Street from Chestnut to Vine and Maple to half of Court Street, and Fourth to Vine.

Council Comments: Mr. Reams asked about the sidewalks on Vine Street, are they going to be street level or raised as if there were curbs on the street. Mr. Dilsaver replied they would be street level.

ORDINANCES:

1st Reading Title Only TO ENACT CHAPTER 730, CLOTHING DONATION CONTAINERS; RECYCLE BINS, OF THE CODIFIED ORDINANCES OF THE CITY OF MARYSVILLE

Administration Comments: Mr. Andrews stated this code is to establish a permitting process and maintenance process for the containers. It lists prohibited items that cannot be left at the container as well as establishing a timely pick up for the items. If items are not removed within 48 hours then they will be assessed the cost for the City cleaning it up, which will go to the land owners.

Council Comments: Mr. Rausch asked about assessing the land owner. Mr. Andrews replied that is why they need to have the land owners' permission prior to putting a container on the property.

2nd Reading TO AMEND CHAPTER 714, MOBILE FOOD VEHICLE/VENDORS, OF THE CODIFIED Public Hearing ORDINANCES OF THE CITY OF MARYSVILLE

Administration Comments:

Council Comments:

Citizen Comments:

2nd Reading TO AMEND CHAPTER 1303, DEMOLITION OF BUILDINGS, OF THE CODIFIED Public Hearing ORDINANCES OF THE CITY OF MARYSVILLE

Administration Comments:

Council Comments:

Citizen Comments:

2nd Reading ORDINANCE TO APPROVE DECLARATION OF COVENANTS, CONDITIONS, AND Public Hearing RESTRICTIONS FOR 33 INNOVATION PARK AND TO DIRECT THE FILING AT THE UNION COUNTY RECORDER'S OFFICE OF SAID DECLARATION TO BE AN ENCUMBRANCE AGAINST THE REAL PROPERTY DESCRIBED IN THE DECLARATION AND DECLARING AN EMERGENCY

Administration Comments:

Council Comments: Mr. Rausch stated everyone should have gotten an email with all the proposed changes to the declaration. No one had any questions.

Mr. Taylor moved to amend the legislation as presented 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 | |

3rd Reading TO AMEND SECTION 931.04, MULTIPLE UNIT BILLING, OF THE CODIFIED
Title Only ORDINANCES OF THE CITY OF MARYSVILLE

Administration Comments:

Council Comments:

Mr. Reams 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

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

Mrs. Richardson asked that everyone not bother the eagles nest in Marysville. She is attending a Marijuana Symposium this week and will be reporting back at the next Council meeting. She thanked Mr. Will for speaking in regards to helping the veterans.

Mrs. Groat mentioned the Ward III meeting will be May 1st at the Marysville Public Library, meeting room B from 6:30pm to 8:00pm. She also reminded people that the City's bicentennial is coming up on August 10, 2019.

Mr. Seymour asked about the CDBG program going to 2 years, with the new census count in 2020, he is wondering how much funding we would lose for the small communities grants. Mr. Dilsaver replied that the CDBG is not based on small communities, however, there may be some funding from ODOT that they cannot apply for after the census.

Mr. Reams stated he participated in the Hook Up to Clean Up over the weekend. He asked Mr. Hoyt and Mr. Andrako to look into where we replaced the sidewalk it has fallen over 2 inches by Richwood Bank. Mr. Hoyt stated they will be working with Richwood Bank on the punch list and address this issue as well. Mr. Reams also wanted to make everyone aware that PNC bank is using Town Run as a dumping ground after they clean their lawn.

Mr. Berbee thanked Mr. Phillips for a wonderful evening at the Annual Chamber event, it was a perfect night. He also helped City staff plant over 125 evergreens and 125 other trees, which gave him a new appreciation for Mr. Evans. He will be great for the City of Marysville.

Mr. Taylor reported on the soapbox derby that was in Marysville over the weekend, it was started by the Marysville afterschool kids, they had teams from Cincinnati and Youngstown here to compete. It is the first time it has been back in Marysville for a while. They would like to continue coming back.

Mr. Rausch reported the Work Session will be scheduled for May 7th at 5:30pm at Police and Court, and May City Council meetings will be on the 14th and 21st.

Chief Golden reported on the Drug Take back day on April 28th, come dispose of your unused, expired or unwanted prescription drugs. Come see us at Walgreens Pharmacy (180 Colemans Crossing Blvd) on April 28 from 10AM to 2PM. We can accept pills or patches, no liquids or needles or sharps!!

ADJOURNMENT: There being no further business to come before Council, the meeting was adjourned at 8:25pm.

Terry Emery

RESOLUTION _____

TO AUTHORIZE PARTICIPATION IN THE ODOT WINTER CONTRACT (018-19) FOR ROAD SALT AND DECLARING AN EMERGENCY

WHEREAS, the City of Marysville (hereinafter referred to as the "Political Subdivision") hereby submits this written agreement to participate in the Ohio Department of Transportation's (ODOT) annual winter road salt bid (018-19) in accordance with Ohio Revised Code 5513.01(B) and hereby agrees to all of the following terms and conditions in its participation of the ODOT winter road salt contract:

WHEREAS, the Political Subdivision hereby agrees to be bound by all terms and conditions established by ODOT in the winter road salt contract and acknowledges that upon award of the contract by the Director of ODOT it shall be bound by all such terms and conditions included in the contract; and

WHEREAS, the Political Subdivision hereby acknowledges that upon the Director of ODOT's signing of the winter road salt contract, it shall effectively form a contract between the awarded salt supplier and the Political Subdivision; and

WHEREAS, the Political Subdivision agrees to be solely responsible for resolving all claims or disputes arising out of its participation in the ODOT winter road salt contract and agrees to hold the Department of Transportation harmless for any claims, actions, expenses, or other damages arising out of the Political Subdivision's participation in the winter road salt contract; and;

WHEREAS, the Political Subdivision hereby requests through this participation agreement a total of two thousand five hundred (2,500) tons of Sodium Chloride (Road Salt) of which the Political Subdivision agrees to purchase from its awarded salt supplier at the delivered bid price per ton awarded by the Director of ODOT; and

WHEREAS, the Political Subdivision hereby agrees to purchase a minimum of 90% of its above-requested salt quantities from its awarded salt supplier during the contract's effective period of September 1, 2018 through April 30, 2019; and

WHEREAS, the Political Subdivision hereby agrees to place orders with and directly pay the awarded salt supplier on a net 30 basis for all road salt it receives pursuant to ODOT winter salt contract; and

WHEREAS, the Political Subdivision acknowledges that should it wish to rescind this participation agreement it will do so by written, emailed request by no later than Thursday, June 1, 2018. The written, emailed request to rescind this participation agreement must be received by the ODOT Office of Contract Sales, Purchasing Section email:

Contracts.Purchasing@dot.ohio.gov by the deadline. The Department, upon receipt, will respond that it has received the request and that it has effectively removed the Political Subdivision's participation request. Furthermore, it is the sole responsibility of the Political Subdivision to ensure ODOT has received this participation agreement as well as the receipt of any request to rescind this participation agreement. The Department shall not be held responsible or liable for failure to receive a Political Subdivision's participation agreement and/or a Political Subdivision's request to rescind its participation agreement, and therefore;

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MARYSVILLE, OHIO, That:

Section I. That the Director of Public Service of Marysville, Ohio is hereby granted authority in the name of the City of Marysville to participate in the agreement for the ODOT winter road salt contract, funding has been authorized, and the Political Subdivision agrees to the above terms and conditions regarding participation on the ODOT winter salt contract.

Section II. This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety, and welfare of the citizens of the City, and as such, this resolution shall take effect and be in force immediately upon its adoption.

1st READING: _____

2nd READING: _____

3rd READING: _____

PASSED: _____

MAYOR/PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL

APPROVED AS TO FORM:

 _____ 5/31/18
LAW DIRECTOR DATE

RESOLUTION _____

RESOLUTION AUTHORIZING THE CITY MANAGER AND/OR APPOINTED DESIGNEE 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 AN AMOUNT NOT TO EXCEED \$150,000 OF FY 2018 COMMUNITY DEVELOPMENT ALLOCATION GRANT FUNDS

WHEREAS, the City of Marysville's public facility improvements, which include but not limited to sidewalks, street and alley resurfacing are substantial; and

WHEREAS, the City of Marysville proposes to use the Ohio CDBG FY 2018 Community Development Allocation Grant Funds in the amount not to exceed \$150,000 to improve the public facility needs in qualified low-moderate income areas; and

WHEREAS, said submission shall be prepared in accordance with the Ohio Small Cities CDBG Handbook, now therefore;

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MARYSVILLE, OHIO, That:

SECTION I. The City Manager of the City of Marysville and/or appointed designee is authorized to sign and submit an application to the Ohio Development Services Agency, Office of Community Development, for Ohio CDBG FY 2018 Community Development Allocation Grant Fund for public facility improvements.

SECTION II. The City Manager and/or appointed designee is further authorized to enter into any agreements as may be necessary and appropriate for obtaining this financial assistance.

1st Reading: _____

2nd Reading: _____

3rd Reading: _____

Passed: _____

MAYOR / PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL

APPROVED AS TO FORM

Law Director Date _____

Terry Emery
Deb Groat
Henk Berbee
Alan Seymour

ORDINANCE _____

TO ENACT CHAPTER 730, CLOTHING DONATION CONTAINERS; RECYCLE BINS,
OF THE CODIFIED ORDINANCES OF THE CITY OF MARYSVILLE

WHEREAS, the Public Affairs Committee has reviewed the proposed Chapter 730,
Clothing Donation Containers; Recycle Bins, of the City of Marysville Building Code, as
provided by the City's Code Enforcement Department; and

WHEREAS, the City of Marysville currently has no regulations or requirements in
place for the placement and maintenance of Clothing Donation Bins and Recycle Bins; and

WHEREAS, the Public Affairs Committee has determined that Chapter 730 should be
enacted as set forth in Appendix A, now therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARYSVILLE, OHIO,

That:

SECTION I. Chapter 730, Clothing Donation Containers; Recycle Bins, of the City of
Marysville Codified Ordinances, as set forth in Appendix A, is hereby enacted and
incorporated into the Codified Ordinances of the City of Marysville.

1st Reading: _____

2nd Reading: _____

3rd Reading: _____

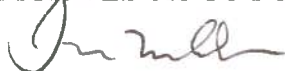
Passed: _____

MAYOR/PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL

APPROVED AS TO FORM:



Law Director Date 4/16/18

Chapter 730
Clothing Donation Containers; Recycle Bins

730.01 Definitions

As used in this Chapter:

- (a) "Clothing Donation Container" shall include, but is not limited to, any box, building, trailer or other receptacle that is intended for use as a collection point for donated clothing or other donated household materials at times when no employee or representative of the organization or company is present to accept donations.
- (b) "Recycle Bin" shall include, but is not limited to, any box, trailer or other receptacle that is intended for use as a collection point for recyclable materials, including but not limited to, glass, paper, aluminum or plastics.

730.02 Requirements

No owner or operator of any premises shall place or maintain or permit to be placed or maintained at or on the exterior property areas of such premises any Clothing Donation Containers or Recycle Bin unless and until the following requirements have been met:

- (a) The owner of the Clothing Donation Container or Recycle Bin, or the host site whose property the Clothing Donation Container or Recycle Bin is situated, must conspicuously post or affix the following information on the container or bin:
 - (1) The name, address and contact telephone number of the organization or company accepting donated items or recycled materials.
 - (2) The name of the company or organization benefiting from the donated items.
 - (3) The valid permit issued by the Engineering, Planning and Zoning Department.
- (b) All signage on each Clothing Donation Container and Recycle Bin shall be in compliance with Chapter 1143 "Signs", as well as any other applicable provisions of the City of Marysville Codified Ordinances.
- (c) Clothing Donation Containers and Recycle Bins shall be maintained in a neat and clean condition and in good repair at all times. Each container and bin shall be serviced and maintained so that it is free of dirt, grease, free of chipped, faded, peeling paint, cracked paint, free of rust and corrosion and free of cracks, dents, blemishes and discoloration.
- (d) A Clothing Donation Containers may only be used as a collection container for clothing. A Recycle Bin may only be used as a collection container for materials intended to be recycled. The collection or storage of other materials, including appliances, mattresses, and/or furniture, is prohibited.
- (e) The placement of a Clothing Donation Container or Recycle Bin shall not impede traffic nor visually impair any motor vehicle operation within a parking lot or turning from or onto a public street.

- (f) A Clothing Donation Container or Recycle Bin may not be located on a vacant parcel or on a parcel containing a vacant building as defined in Chapter 1320 of the City of Marysville Codified Ordinances.
- (g) A Clothing Donation Container or Recycle Bins may not be located on a required building setback, access easement, driveway, parking lane, fire lane, public right-of-way or any area prohibited by the City of Marysville's Planning and Zoning Code.

730.03 Maintenance; Enforcement

- (a) The organization or company benefitting from the Clothing Donation Container or Recycle Bin will be held primarily responsible for the maintenance, upkeep, and servicing of the container. However, in the event the organization or company fails to adequately maintain and service the container, the property owner on whose property the Clothing Donation Container or Recycle Bin is placed shall also be responsible.
- (b) Clothing Donation Containers shall not exceed seventy-eight (78) inches in height (measured from grade), sixty (60) inches in width and sixty (60) inches in depth. Recycling Bins shall not exceed seventy-eight (78) inches in height (measured from grade), seventy-eight (78) inches in width and seventy-eight (78) inches in depth.
- (c) Failure to properly maintain the Clothing Donation Container or Recycle Bin may result in enforcement under this Chapter or under Section 1319.07 "Exterior Appearance of Premises" of the City of Marysville Codified Ordinances in the event of a violation of that codified ordinance.
- (d) Clothing Donation Containers or Recycling Bins shall be emptied regularly and within forty-eight (48) hours of the primary contact person as (provided on the application filed with the City) being notified by any City official that the Clothing Donation Container or Recycling Bin is full. .
- (e) If a specific Clothing Donation Container or Recycle Bin has been found to be in violation of any provision of Section 1319.07 "Exterior Appearance of Premises" three (3) or more times in a twelve (12) month period, the City shall cause the container or bin to be removed and disposed of and assess the costs of such removal and disposal against the owner of the property on which the Container or Bin is located. Notice shall be served in accordance with Section 1319.05(b) at least forty-eight (48) hours prior to the City removing such Container or Bin.
- (f) No more than two (2) Clothing Donation Containers and one (1) Recycling Bin shall be permitted on any parcel of property. Any Clothing Donation Container or Recycle Bin placed or maintained within the City of Marysville that is not first registered in compliance with this Chapter shall be subject to impoundment by the City. Any Clothing Donation Container or Recycle Bin impounded by the City shall be released to the owner upon securing proper registration, and the payment of an impound fee of two hundred (\$200.00) dollars. If after 30 days the Clothing Donation Container or Recycle Bin is not retrieved by the proper owner and the impound fee not paid, pursuant to this section, the Clothing

Donation Container or Recycle Bin shall be disposed of pursuant to law. Any items contained therein shall be donated to a local, registered not-for-profit charity.

- (h) The Engineering, Planning and Zoning Department shall not issue an annual permit to any Clothing Donation Container or Recycle Bin owner who does not maintain a Clothing Donation Container or Recycle Bin in accordance with these regulations. The Engineering, Planning and Zoning Department shall not issue an annual permit to any Clothing Donation Container owner who is not a tax-exempt organization under 26 U.S.C. – 501(c)(3).

730.04 Permit Required; Dates of Issuance and Expiration.

- (a) A permit issued under this Chapter shall be valid from the date of issuance through December 31st of each year and renewable the following year for a one-year period thereafter. Prior to the expiration of a permit, any owner who intends to place, display or maintain a Clothing Donation Container or Recycle Bin shall obtain a new permit for the next twelve (12) month period.
- (b) A permit is not required for any Clothing Donation Container which is managed and staffed on site during the regular hours of operation for the business on whose property the Container is placed.

730.05 Application for Permit; Contents; Fees.

- (a) The applicant shall complete a registration application in such form as to be acceptable to the Engineering, Planning, and Zoning Department. Such application shall include but not be limited to the following:
 - (1) The name, address, telephone number and e-mail address of the person, business, entity, corporation or organization applying for the permit;
 - (2) The name, telephone number and e-mail address of the party in control of the private property upon which the Container or Bin is to be placed, and written authorization from the party in control of the private property, including the terms of its placement by lease or otherwise;
 - (3) The name, telephone number and e-mail address of the person(s) primarily responsible for placing, emptying, servicing, maintaining and removing the Container(s) or Bin(s);
 - (4) Information as to the schedule and manner by which the Container or Bin is to be emptied and information regarding where the contents or donated items are to be transported.
- (b) Fees. A twenty-five (\$25.00) dollar annual fee per Clothing Donation Container or Recycling Bin shall be paid with the permit application for each year the Container or Bin is placed pursuant to this Chapter. The fee shall not be prorated based on the time of year the permit application is filed.

730.06 Relationship to Other Laws

Nothing in this chapter shall be deemed to limit the City of Marysville in any way to use any or all means available to remove a nuisance, or summarily eliminate immediate hazards to the public health, safety or welfare as granted in any ordinances of the City of Marysville or the laws or Constitution of the State of Ohio.

730.99 Penalty.

Whoever violates any of the provisions of this Chapter is guilty of an unclassified misdemeanor and is subject to prosecution and penalty of not less than fifty (\$50.00) dollars and not more than five hundred (\$500.00) dollars.

Terry Emery
Deb Groat
Henk Berbee
Alan Seymour

ORDINANCE _____

TO AMEND CHAPTER 714, MOBILE FOOD VEHICLE/VENDORS, OF THE CODIFIED
ORDINANCES OF THE CITY OF MARYSVILLE

WHEREAS, the Public Affairs Committee has reviewed Chapter 714 Mobile Food
Vehicles/Vendors, of the City of Marysville Building Code, and the proposed amendment as
provided by the City's Enforcement Administrator.

WHEREAS, the Public Affairs Committee has determined that Chapter 714 should be
amended as set forth in Appendix A, now therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARYSVILLE, OHIO,
That:

SECTION I. Chapter 714, Mobile Food Vehicle/Vendors, of the City of Marysville
Codified Ordinances, be amended in accordance with Appendix A to this Ordinance.

1st Reading: _____

2nd Reading: _____

3rd Reading: _____


Passed: _____

MAYOR/PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL

APPROVED AS TO FORM:



Law Director Date 4/21/8



Engineering, Planning and Zoning
City Hall, 209 S. Main Street
Marysville, Ohio 43040-1641
(937) 645-7350
FAX (937) 645-7351
www.marysvilleohio.org

Codified Ordinance Zoning Staff Analysis Report

Chapter 714 Mobile Food Vehicle /Vendors

Key Revision:

1. Revise existing codified ordinance chapter.
2. Last codified ordinance activity – 3/27/17
3. Reviewed and passed by Public Affairs – 3/26/18
4. Change “Zoning Administrator” to “**Division of Engineering**”. This is a new change in the industry code. It takes away a single point of contact and brings it under the umbrella of the division. In the case of the zoning administrator is not available, the division head can delegate the responsibility.

Zoning Staff Recommendations; zoning staff would like to recommend the proposed changes to City Council and thank you for your time and consideration.

Ron Todd
Zoning Administrator

Key Code Revision

1. Black - Established vocabulary and definitions.
2. Red - New changes
3. Blue - Board changes (Public Affairs, Council, Planning Commission)

Chapter 714 Mobile Food Vehicle / Vendors

714.01- Definitions

- A. **Mobile Food Vehicle** - A commercially manufactured, motorized or non-motorized mobile food unit in which ready-to-eat food is cooked, wrapped, packaged, processed, or portioned for service, sale or distribution.
- B. **Mobile Food Vehicle Vendor** - The owner of mobile food vehicle or the owner's agent; hereinafter referred to as "vendor."
- C. **Types of Vehicles** -
- **Concession Trailers / Trucks** - full infrastructure, self-contained units from which the vendor provides full food service.
 - **Pushcarts** - limited infrastructure, those in which the vendor stands on the ground or those in which the vendor stands inside the cart and provides food service.
 - **Catering Type Trucks** - distribute prepackaged and non-prepackaged hot and cold type foods.
 - **Agricultural Trailers / Trucks** - distribute farmed fruit and vegetable foods.

714.02- Permit Required

- D. It shall be unlawful for any person/vendor to operate within the City of Marysville a mobile food vehicle, as defined in this Chapter, without first having obtained a permit for that purpose.
- E. Any person/vendor desiring to operate a mobile food vehicle shall obtain a permit from the **Division of Engineering**. The application for such permit shall be on the permit form provided by the **Division of Engineering** and shall include the following:
1. Mobile business name, home/corporate address and signature of mobile food vehicle vendor/agent and each operating personnel.
 2. Map location placement of mobile food vehicle on operating property.
 3. A valid copy of all necessary food service operation licenses or permits required by State of Ohio Health or Union County Health Department.

4. A signed statement that the person/vendor shall hold harmless the City of Marysville and its officers and employees, and shall indemnify the City of Marysville, its officers and employees for any claims for damage to property or injury to persons which may be occasioned by any activity carried on under the terms of the permit. Vendor shall furnish and maintain such public liability, food products liability, and property damage insurance as will protect vendor, property owners, and the City of Marysville from all claims for damage to property or bodily injury, including death, which may arise from the operations under the license or in connection therewith. Such insurance shall provide coverage of not less than one million dollars (\$1,000,000.00) per occurrence. The policy shall further provide that it may not be cancelled except upon thirty (30) days' written notice served upon the City of Marysville Law Director. A license issued pursuant to the provisions of this Section shall be invalid at any time the insurance required herein is not maintained and evidence of continuing coverage is not filed with the City of Marysville Law Department.
5. No application will be accepted for a permit to operate at a location where a current permit has been issued or a complete application is pending. If the proposed location is private property, the applicant shall provide to the City of Marysville documented consent from the property owner.
6. If a permit for the requested operating location(s) is denied, the applicant may select an alternate location(s), which shall also be referred to the **Division of Engineering** for review.
7. The person/vendor shall immediately notify the **Division of Engineering** of any changes to the information provided in the application. Failure to apprise the **Division of Engineering** of changes may result in the nullification of the permit.
8. A permit is not required if the person/vendor is participating in a City of Marysville temporary sanctioned City event. The person/vendor will have to register with the City of Marysville Recreation/Events Office for City sanctioned events. The person/vendor will still be responsible to adhere to all State and County food service operation guidelines.
9. The City of Marysville may refuse to issue, revoke, or suspend a permit if any applicant or agent thereof refuses to comply with any requirement of this Chapter.

714.03- Fees and Conditions of Permit

- F. All vendors licensed under this Chapter shall pay an annual license fee of \$25.00 to the City of Marysville. This fee shall not be prorated for a partial year.
- G. The annual license permit is certified for the calendar year. However, the permit shall expire on December 31st, regardless of when it was obtain during the year.
- H. The permit shall not be transferable from person/vendor to person/vendor or from place to place without the approval of the **Division of Engineering**.
- I. The approved operational location may be changed, either temporarily or permanently, by the **Division of Engineering**, who shall promptly provide notice of such change to the person/vendor.
- J. The permit is valid for one (1) mobile food vehicle only. Multiple food vehicles require a permit for each mobile food vehicle.

714.04- Location and Time Review and Restrictions

- K. Proposed operating time and locations shall be reviewed as follows:
 - 1. Hours of operation shall be limited to the hours between 8.00 a.m. and 9.00 p.m. No approved mobile food vehicle shall be left unattended or stored outside of these allowed hours of operation. No mobile food vehicle shall remain for seasonal storage. Extended hours may be granted on a case-by-case basis by the Zoning Administrator, and any vendor operating outside the above hours of operation must have written authorization by the **Division of Engineering**.
 - 2. Upon receipt of a complete application for a permit, the permit shall be referred to the **Division of Engineering** for approval or disapproval. The use of the permit operating location for mobile food vending must be compatible with the public interest in use of the public right-of-way. In making such determination, the **Division of Engineering** or Public Service Director shall consider the width of the public way, parking issues and traffic congestion, the proximity and location of existing street furniture, including, but not limited to, utility poles, handicap zones, parking meters, bus shelters, benches, street trees, as well as the presence of bus stops, truck loading zones, or other businesses or approved mobile food vehicles to determine whether the requested location would result in pedestrian or street congestion.

3. Person/Vendor shall obey any lawful order by the City of Marysville to stop all operations at the permitted location where a mobile food vehicle would substantially obstruct a public way, impair the movement of pedestrians or vehicles, or pose a hazard to public safety.
4. Person/Vendor shall not operate a mobile food vehicle within five hundred (500) feet of any fair, carnival, circus, festival, special event, or civic event that is licensed or sanctioned by the City of Marysville except when person/vendor has registered with The City of Marysville Recreational/Events Office.
5. On days when school is in session at elementary, middle, secondary / intermediate schools, high schools, which includes, sporting events (public or private), it shall be unlawful for any vendor to operate a mobile food vehicle within five hundred (500) feet of the property of said school(s), unless the person/vendor has obtained written permission from the Board of Education of the Marysville Exempted School District. The City of Marysville permit is still required.
6. It shall be unlawful for any vendor to operate a mobile food vehicle in or within one hundred (100) feet of a City of Marysville park without first obtaining written authorization from the City of Marysville Public Service Director.
7. No mobile food vehicle vendor shall use or maintain any outside sound amplifying equipment, movement lighting (strobes / digital), or noisemakers, such as bells, horns or whistles.
8. No mobile food vehicle shall use external signage (except menu boards), bollards, seating, or any other equipment not contained within the vehicle. The mobile food service vendor shall adhere to City of Marysville Codified Ordinance Chapter 1143 for signage.
9. All identifying information, logos, advertising, decorations, or other displays on the exterior of a mobile food vehicle shall adhere to the Marysville signage regulations. In particular, exterior displays shall be designed to minimize confusion or distraction that jeopardizes vehicular and pedestrian safety and shall be harmonious with the surroundings and consistent with the character of the community in which the mobile food vehicle operates.
10. The mobile food vehicle shall not have a drive-through.
11. Any power required for the mobile food vehicle located on a public way shall be Self-contained and shall not use utilities drawn from the public right-of-way. Mobile food vehicles on private property may use electrical power from an adjacent property only when the property owner provides documented consent. All other power sources must

be self-contained. No power cable or equipment shall be extended at grade across any City street, alley or sidewalk unless otherwise approved by the City of Marysville.

714.05- Sanitation and Inspection

- L. All mobile food vehicles shall be kept in a clean and sanitary condition. It shall be the duty of the **Division of Engineering** to make or cause to be made such exterior area inspections as may be necessary to ensure all mobile food vehicles are kept in a clean and sanitary condition. The **Division of Engineering**, bearing proper identification, shall be permitted to inspect the exterior area mobile food vehicle at any reasonable time for the purpose of determining whether the vendor has complied with the terms of this Chapter.

- M. All waste liquids, garbage, litter and refuse shall be kept in leak-proof, nonabsorbent containers which shall be kept covered with tight-fitting lids and properly disposed of by the person/vendor. No waste liquids, garbage, litter or refuse shall be dumped or drained on to/or into sidewalks, streets, gutters or drains. A garbage receptacle shall be easily accessible for customer use. Vendor shall be responsible for all litter and garbage left by customers.

714.98 - Permit Adverse Action

An application or approved permit may be denied, revoked, suspended, or not renewed for any of the following reasons:

- A. The permit contains material omissions or false, fraudulent, or deceptive statements or facts.

- B. The mobile food vehicle is operated in such a manner as constituting a public Nuisance, safety or public health hazard, or violates the Codified Ordinances of the City of Marysville or any Federal or State statute(s).

- C. The provisions of this Section are not exclusive. This Section shall not preclude the enforcement of any other provisions of this Code or any State or Federal regulations.

714.99 - Penalty

- A. Any person violating any provision of this Chapter may, upon conviction thereof, be fined up to one hundred and fifty dollars (\$150.00) per day for each violation.

Terry Emery
Deb Groat
Henk Berbee
Alan Seymour

ORDINANCE _____

TO AMEND CHAPTER 1303, DEMOLITION OF BUILDINGS, OF THE CODIFIED
ORDINANCES OF THE CITY OF MARYSVILLE

WHEREAS, the Public Affairs Committee has reviewed Chapter 1303, Demolition of
Buildings, of the City of Marysville Building Code, and the proposed amendment as provided
by the City's Enforcement Administrator.

WHEREAS, the Public Affairs Committee has determined that Chapter 1303 should be
amended as set forth in Appendix A, now therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARYSVILLE, OHIO,
That:

SECTION I. Chapter 1303, Demolition of Buildings, of the City of Marysville
Codified Ordinances, be amended in accordance with Appendix A to this Ordinance.

1st Reading: _____

2nd Reading: _____

3rd Reading: _____

Passed: _____

MAYOR/PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL

APPROVED AS TO FORM:



Law Director Date 7/2/12



Engineering, Planning and Zoning
City Hall, 209 S. Main Street
Marysville, Ohio 43040-1641
(937) 645-7350
FAX (937) 645-7351
www.marysvilleohio.org

Codified Ordinance Revision Zoning Analysis Report

Chapter 1303 Demolition of Buildings

Key Topics Revision Changes:

1. Revise existing codified ordinance chapter.
2. Last codified ordinance activity – 11/14/16
3. Reviewed and passed by Public Affairs – 3/26/18
4. The revision is to change point of contact “Zoning Administrator” to “**Division of Engineering**”. Also include an additional sewer and water inspection process for disconnection.

Zoning Staff Recommendations; zoning staff would like to recommend the proposed changes to City Council and thank you for your time and consideration.

Ron Todd
Zoning Administrator

Key Code Revision

1. Black - Established vocabulary and definitions.
2. Red - New changes
3. Blue - Board changes (Public Affairs, Council, Planning Commission)

1303.01 BUILDING AND DEMOLITION DEFINED.

(a) **Building** - Any structure used or intended for supporting or sheltering any use or occupancy. (ICC Code)

(b) **Demolition** - The act or process of removing, wrecking or destroying materials or structures.

(Ord. 44-16. Passed 11-14-16.)

1303.02 PERMIT REQUIRED; EXPIRATION; FEE.

(a) No person shall demolish, remove from the premises, tear down or raze a building without first obtaining a permit therefor from the **Division of Engineering**.

(Ord. 44-16. Passed 11-14-16.)

(b) To obtain such a permit, the applicant shall first file with the **Division of Engineering** a statement showing the manner in which such building shall be razed, and, if the structure was built prior to 1980, the applicant shall also file an asbestos report by an Asbestos Hazard Evaluation Specialist certified by the Ohio Department of Health. All contractors are responsible to adhere to all EPA guidelines during demolition. **Furthermore, prior to the permit being issued, the applicant must obtain approval from the Division of Public Service that the sewer and water lines servicing the property have been properly disconnected.** If the demolition has no activity within one year of the issuance of the permit, the permit shall expire.

(Ord. 50-17. Passed 9-11-17.)

(c) The fee for the demolition permit (Residential/Commercial) shall be twenty-five dollars (\$25.00) non-utility inspection permit and one hundred and seventy-five dollars (\$175.00) utility disconnect inspection permit.

(d) City of Marysville Historical District - All buildings located within the designated Historical District shall adhere to all guidelines for the Design Review Board and the Section 1136.13.

(Ord. 44-16. Passed 11-14-16.)

1303.03 CONDITIONS AND REGULATIONS.

(a) Temporary Encroachments. Subject to the approval of the **Division of Engineering**, sidewalk sheds, underpinning and other temporary and protective guards and devices may project beyond the interior of the building and street lot lines as may be required to ensure the safety of the adjoining property owner and the public. When necessary, the consent of the adjoining property owner shall be obtained.

(b) Protection. All existing and adjoining public and private property shall be protected from damage incidental to demolition operations. Any use of explosives for demolition purposes is strictly prohibited within the City of Marysville. Material shall not be dropped by gravity or thrown outside the exterior walls of a building during demolition onto City property or adjoining property. Refuse containers shall be used for this purpose and any material which, in its removal, causes an excessive amount of dust, shall be wet down to prevent the creation of a nuisance.

(c) Grading of Lots. When a building has been demolished, the lot shall be filled, graded and maintained in conformity with the established street grades at curb level, unless rebuilding operations are projected and approved. Wye poles are required for utility markings (if applicable). The lot shall be maintained free from the accumulation of rubbish and all other unsafe or hazardous conditions which endanger the life or health of the public. Provision shall be made to prevent the accumulation of water or damage to any foundations on the premises or the adjoining property. If the owner elects to not fill the basement or excavation, he or she must provide necessary retaining walls and barriers, not less than six feet in height, which barriers shall be of such construction that will reasonably prevent accidental access to the excavation.

(d) Utility Connections. All service utility connections shall be discontinued and capped in accordance with the approved inspections and permit guidelines.

(e) Completion. Residential buildings shall be demolished within thirty (30) days of the beginning of the work. Commercial buildings shall be demolished within sixty (60) days of the beginning of the work. An extension may be granted by the **Division of Engineering** due to unforeseen circumstances, e.g. (Archaeology/Burial/Utilities/EPA).

(Ord. 44-16. Passed 11-14-16.)

1303.99 PENALTY.

Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a minor misdemeanor and shall be fined one hundred and fifty dollars (\$150.00) per day for each offense. The imposition of one penalty for any violation or noncompliance shall not excuse the violation or noncompliance or permit it to continue, and all persons shall be required to correct or remedy such violation or noncompliance within a reasonable time. When not otherwise specified, a separate offense shall be deemed committed each ten days that a violation or noncompliance continues. The application of any penalty shall not be held to prevent the enforced removal of prohibited conditions.

(Ord. 44-16. Passed 11-14-16.)