

**CITY COUNCIL MINUTES**  
**July 23, 2018**

The meeting was called to order by President Rausch at 6:00 p.m. Mayor Rausch stated Administration requested an Executive Session to discuss the purchase of property.

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

Mrs. Richardson moved to adjourn to executive session, was seconded by Mr. Berbee 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	

Being no further business to come before Council, the executive session adjourned to open session at 7:06 p.m.

**OTHERS PRESENT:** City Manager Terry Emery, Finance Director Justin Nahvi, Chief Golden, Chief Riley, Project Manager Marc Dilsaver, IT Director Aaron Story, Economic Development Director Eric Phillips, Recreation & Event Manager Amanda Morris, and Clerk Rebecca Dible.

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

**CITIZENS PRESENT:** Anthony Will, Nick Golden, Wendy Phillips, Katie Crocco, Tim Schacht, and David Phillips.

**APPROVAL OF MINUTES:** The minutes for the meeting on July 9, 2018 were approved with proposed amendments as distributed to Council prior to the meeting.

**ADMINISTRATIVE REPORT:**

*Mr. Emery reported the following:*

**Recreation & Events**

**Movie in the Park**

Movie in the Park, featuring Finding Dory, will be held at the Municipal Pool on Saturday, August 4. Movie will start at dusk.

**A Day in the Park**

A Day in the Park, originally scheduled for Saturday, July 21, was postponed to Saturday, August 11 due to the weather forecast. This event will take place at American Legion Park from noon – 3:00 p.m. FREE admission to the Municipal Pool and FREE hot dogs & refreshments while supplies last.

### **Friday Nights Uptown**

Blues & Brews will take place Friday, August 17 from 6:00 p.m.-10:00 p.m. at Partners Park. Music by the Hoodoo Soul Band; Presented by Coughlin Marysville. The Founder's Day Car Show will be held in conjunction with this event.

### **Public Service Department**

#### **Gas Station Demolition**

The demolition of the Gas Station at 567 E 5th St is expected to be complete by Friday (7/27).

#### **Trail Construction**

Streets crews have completed the installation of the path for Amrine Mill Rd. The path is scheduled to be paved the week of 7/30. They will shift back to completing the work at MacIvor Woods. The third and final bridge was delivered on Thursday (7/19) and should be installed in the next few weeks.

#### **Water Main Installation – Mulberry St.**

Water crews have finished installing the water main on Mulberry St. Crews will be pressure testing and installing services this week.

#### **Jim Simmons Trail**

Parks crews are working on cutting back vegetation along the Jim Simmons Trail to provide better visibility around curves.

#### **3-Way Stop – Elwood & Maple**

The 3-way stop at Elwood/Maple that was installed during the Main St. bridge project will remain in place and will be evaluated with the new traffic pattern now that the bridge is open. Mayor Rausch explained this change of plan occurred late last week and would remain in effect for 3 weeks. He specifically asked Council to direct any citizen feedback to Administration to assist the monitoring of the traffic flow change. Mrs. Groat spoke in favor of this change, stating it was fortunate the Main St. bridge outage had inadvertently corrected a former traffic flow concern. Mr. Emery stated that Public Service and the Division of Police would work together closely to monitor this change. Mrs. Groat also thanked City Staff, and specifically named Marc Dilsaver for outstanding customer service he had provided a Ward 3 member. Mr. Reams stated there were proposed changes to the Elwood/Maple intersection in the Traffic Infrastructure Study compiled several years ago. He recommended Administration look up the proposed changes from the study. Mrs. Richardson was glad this 3-way stop would remain in place for an evaluation period. She stated seemed to be a consensus regarding the benefit of this traffic flow change, however she also stated the importance of continued monitoring into the school year, as congestion increases at that time.

*Mr. Dilsaver reported the following:*

### **Engineering Department**

#### **Construction Updates**

**SR 31 Widening, Phase 1-** The majority of the storm sewer work is complete on the west side of the roadway. Lighting and signal work continues on the east side of SR 31.

**2018 Paving Program** - City-wide paving continues and it is expected that all paving operations will be wrapped up by early August. Mrs. Richardson confirmed with Mr. Dilsaver that 6<sup>th</sup> Street was not complete, as it just had a leveling course scratched in at this point.

**Mill Wood Blvd Extension (Cook's Pointe)** - Sanitary sewer installation continues this week with the bore pits being excavated along SR 4. Also, the majority of the large stormwater ditch excavation (adjacent to the Fitzgerald property and southern part of the Woods at Mill Valley North development) has been completed.

*Mr. Emery introduced two guests:*

Bob Stallman and Robin Livesey, representing Miami Valley Lighting (MVL), were present. Mr. Stallman addressed Council, stating MVL took pride in their service and joined in Council's frustration, as they seemed to be spending an extraordinary amount of time in certain areas of the City while not achieving results. He explained MVL maintained around 12,000 poles in Marysville, of which they installed around 30%. The poles contain a wide variety of lights. Per their contract with the City, they have 3 days for minor fixes and 7 days for major fixes. The majority of fixes are minor, as they are lamp replacements. He also stated Marysville seemed to have an issue with a higher rate of "repeat outages." Because of this concern, they decided to move forward with a new process which included compiling a "Repeat Outage Daily Report" for the City. They will address these issues more quickly and send out a more advanced crew to work on these lights. Mr. Stallman also went into detail regarding different types of lamps and issues they can present. He asked Council to take note that it may be prudent to update any "metal halide" lamps to LED.

Mr. Reams stated in September 2017, two people went through Green Pastures and made a long list of lights needing repair. He noticed several of these lights were never repaired. Mr. Reams followed up with Mr. Andrako regarding these outages three times and the situation was not remedied. Therefore, he went out himself and made a list of 10-12 non-working lights on June 27, 2018, some of which had not been repaired since the initial report in September 2017. He checked these lights again today (4 weeks later) and five of the lights were not repaired. Mr. Reams was also aware that multiple lights had been *reported* as repaired, however they had not worked since the original outage notification. Therefore, he had concerns regarding both the reporting as well as the repairs themselves. He was happy to hear MVL planned to incorporate changes, but it was unacceptable City residents took their time, compiled lists of light outages and reported them as instructed, but did not get results.

Mr. Stallman stated that he heard Mr. Reams' concerns and if they were being reported as fixed but were not, the responsibility would lay with MVL. In order to address Mr. Reams concerns,

he stated MVL would implement a procedure in which they contact City Administration the day following each repair so the repairs could be confirmed.

Mrs. Groat asked MVL if London Ave., south of the City was lined with metal halide lamps, to which they replied the lamps were high pressure sodium, which could be determined by the yellowish tint to the light.

**APPOINTMENTS:** Mr. Taylor moved to reappoint Mallory Ingram as the Ward 4 Exterior Property Maintenance Commission Member to fulfill a vacant 3 year term, ending on December 31, 2019. The appointment was affirmed by Council Majority. Mrs. Richardson moved to appoint Michael Lynch to the Design Review Board to fulfill a vacant 4 year term, ending December 31, 2018. The appointment was affirmed by Council Majority.

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

#### **PLANNING COMMISSION/DESIGN REVIEW BOARD REPORT:**

Mr. Schacht reported The Planning Commission meeting was cancelled due to lack of business. The Design Review Board met on July 11<sup>th</sup> 2018 and discussed the following:

An application for new signage at 275 W 5th Street (Luke Lawyers) in the U-T (Uptown Transitional) Zoning District: The applicant provided an updated sign concept which was unanimously approved.

An application to demolish the existing above ground structures including the building, canopy and pumps located at 567 E 5th Street (Old Clark Gas Station) in the U-T (Uptown Transitional) Zoning District: The application was unanimously approved.

An application for new signage at 114 N Main Street (Surge Staffing Services) in the U-C (Uptown Commercial) Zoning District: The applicant provided an updated sign concept for a projecting wall sign with a decorative bracket and which was unanimously approved.

An application for a new track, athletic field, and concession building at 14198 State Route 4 (Bunsold Middle School) in the GOV (Government Use) Zoning District: The application was approved pending the condition the applicant work with the City Engineer on sidewalk/multi-use path.

An application for a new personal storage facility at 16841 Square Drive in the M-2 (Heavy Manufacturing) Zoning District: The application was approved pending the condition the applicant work with the City Engineer on curbing and design items.

An application for a new individually owned, upscale auto storage facility at 15603 Watkins Road in the TOC (Traffic Oriented Commercial) Zoning District: The application was approved pending the condition the applicant work with the City Engineer on curbing and design items, provide vehicular use screening along the US 33 frontage, switch shade tree variety per Urban

Forester recommendation, and work with City staff to ensure minimum lighting coverage is met using the existing light poles/fixtures. Mrs. Richardson wanted to ensure lighting from this facility would not negatively affect the nearby apartments. Mr. Schacht replied the DRB concern was for enough lighting in the area, to prevent the creation of a safety hazard, as no additional light fixtures had been proposed by the applicant.

The City Forester Andy Evans requested updates to the City Approved Street Tree List. The Board approved the updates.

## **COMMITTEE REPORTS:**

*Mr. Berbee reported the following:*

### **Finance Committee**

The discussion on a request to Purchase Special Response Vehicle for the Division of Police was unanimously supported and was listed on the Council Agenda that evening.

The Plum Street improvements next to Memorial Hospital for the widening of the culvert was collectively about \$800,000 of which Memorial will pay and the City had \$300,000 in the budget. This project went out to bid and received no bids. The \$300,000 will roll into the 2019 budget and Administration plans to go out for bids again at the beginning of 2019.

The stormwater repair project by Tubby's was discussed and was also listed on the Council Agenda that evening.

The budget assumptions for the 2019 Budget were discussed and there would be a reevaluation of real estate. Mr. Nahvi is looking at it at 5% which is quite conservative. There was also now money in the various enterprise funds and they felt there would be a 2% return on that money. The City's income continued to be on target and the expenses were about \$450,000 below budget.

*Mrs. Richardson reported the following:*

### **Public Safety/Service Committee**

The needed right-of-way dedication at 1042 Columbus Ave (Attaboyz Archery) was discussed and they expected to bring it to Council in the near future.

They also discussed the request to Purchase Special Response Vehicle for the Division of Police and it was unanimously supported.

Updates had been presented to the Committee, but had already been presented to Council by Mr. Dilsaver that evening.





1st Reading     AUTHORIZING A TRANSFER OF APPROPRIATIONS FOR THE STORMWATER  
Title Only     ASSESSMENT FUND (FUND 570) AND MODIFYING THE 2018 ANNUAL BUDGET

**Administration Comments:** Mr. Nahvi explained this was merely a request from the Streets Division to transfer unspent money from a savings fund into an operating fund with which to pay a third party who crushes concrete and applies this on City trails.

**Council Comments:**

2<sup>nd</sup> Reading     AUTHORIZING SUPPLEMENTAL APPROPRIATIONS FOR THE GENERAL FUND  
Public Hearing (FUND 100) AS WELL AS THE CAPITAL IMPROVEMENT FUND (FUND 439) AND  
MODIFYING THE 2018 ANNUAL BUDGET

**Administration Comments**

**Council Comments:** Mrs. Richardson asked for clarification regarding the categories into which the request was broken down. Mr. Nahvi explained such and stated it was a difficult, yet necessary funding mechanism. He clarified for Mrs. Richardson that the portion of the payment for which the City was responsible (just over \$12,000) would be derived from the Capital Fund (439).

**Citizen Comments:**

2<sup>nd</sup> Reading     AUTHORIZING SUPPLEMENTAL APPROPRIATIONS FOR THE STREET  
Public Hearing CONSTRUCTION, MAINTENANCE AND REPAIR FUND (FUND 225), THE  
SANITATION FUND (FUND 505) AS WELL AS THE STORMWATER FUND (FUND  
570) AND MODIFYING THE 2018 ANNUAL BUDGET

**Administration Comments:**

**Council Comments:** Mrs. Richardson asked if there was way to incorporate the \$1,800, which was requested to adjust the employee's salary in 2018, into the employee's 2019 salary, so that 2018 funds would not have to be touched. Mr. Emery stated the reason it was presented in this fashion was because he had told the employee that due to his request, he would do what he could to move forward to correct the situation as soon as possible. Mayor Rausch stated that he had heard Mr. Berbee's concerns at the prior Council Meeting, however because this salary adjustment would still keep the discussed supervisor below trending salary, as it was a retire-to-rehire position, he would be comfortable proceeding. Mrs. Richardson stated her concern for going back in the rears to fix situations that had been previously made, was the precedent that would be set. She understood the proposed situation only involved one employee, however her concern was not with the performance of the individual, but with the practice itself. She questioned if the same conversation would be had, if the situation had included five employees. Mrs. Richardson stated due to principle, she

was struggling with this legislation. Mrs. Groat stated that because this situation had been brought before Council, the process itself is what gave Council the ultimate authority; therefore if it had been five employees, Council would still have the ability to vote for or against it. Mrs. Groat stated that she heard Mrs. Richardson’s point, however because this legislation would provide a permanent solution and the City’s budget would accommodate the permanent fix at this time, she was for the legislation as presented. She did state that if it had been five employees in question, it may have been a different story; however she expressed that was the specific reason she found value in the request going before Council in a public forum. Mr. Reams noted that Council had recently addressed a similar issue regarding vacation. He stated the situation was addressed when Council was made aware and all employees were treated the same way across the board. He sees this as a similar situation, to promote consistency.

**Citizen Comments:**

3<sup>rd</sup> Reading TO AUTHORIZE THE SALE OF PUBLIC SERVICE ITEMS VALUED OVER \$1,000.00  
Title Only

**Administration Comments:**

**Council Comments:**

Mr. Seymour 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 ORDINANCE TO APPROVE THE APPLICATION FILED BY THE CITY MANAGER THUS  
Title Only DESIGNATING PROPERTY WITHIN THE MUNICIPAL CORPORATION AS AN  
OUTDOOR REFRESHMENT AREA AND ESTABLISHING STATUTORY REQUIREMENTS

**Administration Comments:** Mr. Emery stated Administration had conversations with Mr. Carter who had addressed Council at the last meeting. He has not heard anything negative from anyone else. He reiterated the DORA was something that would be evaluated moving forward, especially from a safety perspective. They want to look at the DORA and see if it was something that would be worthwhile for the City to continue into next season.

**Council Comments:** Mr. Taylor said he had been asked by Cruisers if there was a particular reason the parking lots on the back side of Plum had been left out of the DORA request, as they were interested in allowing people to walk and mingle around their vehicles. Mr. Emery stated that if there had been any concerns about the DORA, it would be in relation to the expansion of the area, so for that reason, they tried to be sensitive to the size of the DORA area. He also stated he was not opposed to readdressing the area size at a future date. Mrs. Richardson stated she believed it would be prudent to proactively inform citizens that DORA assessment & reevaluation would be placed on a Council Work Session Agenda, especially in regards to the safety and cost. Mr. Emery agreed the topic would be placed on the

November Work Session Agenda. Mrs. Groat stated she would like the meeting to be made publicly known immediately, therefore if people have negative comments, they can speak with Council Members, knowing it would be reevaluated as a group. Mrs. Richardson stated because the DORA was not a permanent fixture, it could be reevaluated.

Mr. Berbee 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

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

Mr. Emery stated there were several employees out on vacation this week, but the work wouldn't stop. He thanked Marc Dilsaver for representing the Engineering Division and let Council know if they needed anything, they could contact Mr. Emery and he would make sure it was addressed.

Mrs. Richardson thanked the Safety Personnel and members of the Staff who helped with the Union County Fair Parade as it took a lot of work to block the roads and protect citizens.

Mr. Berbee stated that people seem to be noticing the continued improvements occurring around the City and appreciated how nice things looked. People were beginning to ask *when* things would be improved. However he also noticed that landlords had been placing unacceptably large piles of trash outside residences when renters move out. Mr. Emery stated they had almost made bulk pickup too easy, as most communities charged bulk pickup at a separate rate. Mr. Emery and Mr. Berbee agreed because of the abuse of the bulk trash pickup, a closer look would need to be given to processes and procedures. Mr. Emery also commended Zach Andrews, Code Enforcement Officer, for how quickly & efficiently he addressed occurrences.

Mr. Rausch reminded others the next Council Work Session would be Monday, August 6<sup>th</sup> at the Police & Court Facility. The following Work Session would have been scheduled on Monday, September 3<sup>rd</sup>, which was Labor Day, therefore he offered the possibility of moving it to Tuesday, September 4<sup>th</sup>. Mr. Taylor stated he would be unable to attend. Mr. Rausch also stated the 1<sup>st</sup> meeting in November needed to be rescheduled due to Veteran's Day. He also encouraged County Fair attendance noting the performances of McGuffey Lane, Russell Dickerson & Walker Hayes, and ZZ Top.

ADJOURNMENT: There being no further business to come before Council, the meeting was adjourned at 7:12 pm.